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INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

HEARINGS

BEFORE THE

SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

EIGHTY-FIFTH CONGRESS

SECOND SESSION

PURSUANT TO SENATE RESOLUTIONS 74 AND 221, 85TH CONGRESS

MARCH 5, 6, 7, 10, AND 11, 1958

PART 22

Printed for the use of the Select Committee on Improper Activities in the Labor or Management Field

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INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

WEDNESDAY, MARCH 5, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES,
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10 a. m. pursuant to Senate Resolution 221, agreed to January 29, 1958, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator John F. Kennedy, Democrat, Massachusetts; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Pat McNamara, Democrat, Michigan; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John J. McGovern, assistant counsel; Margaret W. Duckett, assistant chief clerk.

The CHAIRMAN. The committee will be in order.

(Members present at the convening of the session were: Senators McClellan and Goldwater.)

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Ernest Rose.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROSE. I do.

TESTIMONY OF ERNEST L. ROSE, ACCOMPANIED BY HIS COUNSEL, JOSEPH L. RAUH, JR.

The CHAIRMAN. State your name, and your place of residence, and your business or occupation.

Mr. ROSE. My name is Ernest L. Rose, and I live at 2518 South Ninth Stree, Sheboygan, Wis., and I work for the National Plasticrafter Co.

The CHAIRMAN. Do you have counsel, Mr. Rose?

Mr. ROSE. Yes, sir.

The CHAIRMAN. Let the record show that Mr. Rauh appears for the witness.

All right, Mr. Kennedy.

Mr. KENNEDY. You work at the Kohler Co.?

Mr. ROSE. I did until the strike.
Mr. KENNEDY. And you worked from what year?
Mr. ROSE. 1948.
Mr. KENNEDY. In what division?
Mr. ROSE. Foundry.
Mr. KENNEDY. And you joined the UAW?
Mr. ROSE. Yes, sir.
Mr. KENNEDY. And went out on strike?
Mr. ROSE. Yes, sir; I did.
Mr. KENNEDY. Have you gone back to work?
Mr. ROSE. No.
Mr. KENNEDY. Where are you working now?
Mr. ROSE. National Plasticrafter Co.
Mr. KENNEDY. When did you start going to work?
Mr. ROSE. About a year and a half after the strike.
Mr. KENNEDY. About a year and a half?
Mr. ROSE. Yes.
Mr. KENNEDY. You stayed on strike for a year and a half?
Mr. ROSE. Yes, sir.
Mr. KENNEDY. Did you have any damage to any of your property?
Mr. ROSE. Yes; my car was damaged.
Mr. KENNEDY. Would you relate what happened and when it happened?
Mr. ROSE. It was shortly after the strike started. The right front fender and the right door were deeply scratched, and the back of the car was also splattered with white paint.
Mr. KENNEDY. Did you report that to the police?
Mr. ROSE. No; I did not.
Mr. KENNEDY. For what reason?
Mr. ROSE. I did not want to get involved.
Mr. KENNEDY. What were the damages involved? Did you collect from the insurance company?
Mr. ROSE. The insurance company paid it; $28.
Mr. KENNEDY. Now, do you know of any other acts of vandalism against any of the strikers?
Mr. ROSE. Quite a few against union members.
Mr. KENNEDY. You know of others against union members?
Mr. ROSE. Yes, sir.
Mr. KENNEDY. Such as what?
Mr. ROSE. Well, Allan Grasskamp's window was busted by a big rock thrown through the plate glass window in the front of his house and several people had their cars sprayed with acid, and one man claimed that he had asbestos put in his gas tank. That is about it.
Mr. KENNEDY. There were acts of vandalism, then, against the strikers, you found?
Mr. ROSE. Yes, sir.
Mr. KENNEDY. Did you find out who was responsible for them?
Mr. ROSE. Well, in one occasion, they did. Where a man had his car painted and the police arrested a man and fined him.
Mr. KENNEDY. Was he a striker?
Mr. ROSE. He was a scab.
Mr. KENNEDY. He was a nonstriker?
Mr. ROSE. Yes, sir.
Mr. KENNEDY. That was one; they solved one case then?

Mr. ROSE. That is right.

Mr. KENNEDY. Now, there has been some testimony regarding the acts of vandalism in greater numbers against the nonstrikers, the wrecking of the cars and dynamite put in automobiles, or under automobiles, and the shotgun blasts into homes.

Do you know anybody that was responsible for any of that ?

Mr. ROSE. No, sir; I do not.

Mr. KENNEDY. You personally were not responsible for it?

Mr. ROSE. No, sir; no, sir.

Mr. KENNEDY. Did you ever receive any instructions to participate in that kind of activity?

Mr. ROSE. We always had instructions not to do that sort of thing, and we were on strike against the Kohler Co., and we were on strike for better working conditions, and stuff like that, and we were not to damage anybody's property.

Mr. KENNEDY. That is all.

The CHAIRMAN. Is it your theory that the nonstrikers did the damage to their own property, and to each others property, to try to make it appear that the union was doing it?

Mr. ROSE. Yes, sir.

The CHAIRMAN. That is your theory?

Mr. ROSE. That is right.

The CHAIRMAN. Do you believe that?

Mr. ROSE. Would you repeat that?

The CHAIRMAN. Do you believe that?

Mr. ROSE. Well, there is an example of a hoax.

The CHAIRMAN. Where is a hoax?

Mr. ROSE. There was a man went to work for the Kohler Co. Two days later he come up with this story that he shot at somebody who was fooling around his garage. Later on it was brought out in an investigation, his wife signed an affidavit to that effect, that he never shot anybody, and three men from the Kohler Co. came out to his house, and instructed him to shoot into his garage.

When the sheriff went out there, they never found any pellets, and no evidence of a shot being fired whatsoever, and yet he claimed that he shot at a man.

The CHAIRMAN. The sheriff of that county has never found anything; has he? If he has, we haven't been able to find it out.

Mr. ROSE. Can I read this statement of the man's wife?

The CHAIRMAN. Well, let us see the statement.

(A document was handed to the chairman.)

Mr. RAUH. Mr. Chairman, that statement was given by the man's wife, of the man who perpetrated the hoax at the request of the Kohler Co. That statement was given by the man's wife to the district attorney, and we would like to allow Mr. Rose to read that statement.

The CHAIRMAN. No, Mr. Rauh, we are going to let the little woman testify to it herself, if anyone reads it. This is not under oath.

Mr. RAUH. It was given to the district attorney.

The CHAIRMAN. I don't care who it was given to. People can state things to the district attorney without being sworn, and this apparently is not sworn to. I am not going to take statements like that if the witness can be made available. I don't know whether she can or not?

Do you know anything about this witness?

Mr. KENNEDY. No.

The CHAIRMAN. The witness has testified according to his information, that this fellow perpetrated a hoax, and that is your information about it.

Mr. ROSE. Yes, sir.

The CHAIRMAN. He pretended that he shot at somebody and did not?

Mr. ROSE. That is right.

The CHAIRMAN. And reported it to the sheriff?

Mr. ROSE. Twelve hours later he reported it to the sheriff.

The CHAIRMAN. Well, 12 hours late or 12 days, he reported it to the sheriff and the sheriff did not find anything?

Mr. ROSE. No, sir; there was no evidence of a shooting.

The CHAIRMAN. All right. Are there any further questions?

Senator GOLDWATER. Mr. Chairman, I have a question. I think this question could best be directed to Mr. Rauh, and I don't think the witness would know about it.

Was this fact, or was this fact that the witness has testified to brought out at the NLRB hearings?

Mr. RAUH. One moment, Senator Goldwater. I will get the answer for you. As far as we know, it was not brought out at the NLRB hearing.

Senator GOLDWATER. Were any similar statements made at the NLRB hearing?

Mr. RAUH. The hoaxes were, I am informed by counsel from Sheboygan, not relevant at the NLRB hearing. The only one of these matters that was brought up at the NLRB hearing was the arrest and conviction of Banonse, who is the man who threw the paint on Mr. Rose's car. No, it was Mr. Holling's car. He was convicted; a man named Brown.

Senator GOLDWATER. Who was Banonse?

Mr. RAUH. Banonse was a nonstriker back at work who was convicted of having thrown paint on two strikers' cars. I understand he was to be a witness here, but I now understand he is not to be a witness.

Senator GOLDWATER. Well, would you ask Mr. Rabinovitz why these so-called hoaxes were not brought up at the NLRB hearing.

Mr. RAUH. I already have, and Mr. Rabinovitz said that the hoaxes were irrelevant to the hearing, at the NLRB.

Senator GOLDWATER. Would you agree with that?

Mr. RAUH. I am not going to go back there. I was not in on the NLRB hearing. Apparently, Mr. Rabinovitz reminds me that the General Counsel of the NLRB would be the right man to put that question to. He was the prosecuting official at that hearing. He could give you the answer, and I don't have enough judgment, Senator Goldwater.

Senator GOLDWATER. Would you ask Mr. Rabinovitz, because I know you knew nothing about this NLRB hearing, how many of these cases such as we have heard from Mr. Rose would he say occurred during the strike?

Mr. RAUH. Are you referring to the hoaxes or the vandalism against strikers?

Senator GOLDWATER. How many acts of violence have been testified to by affidavits, or how many of these so-called hoaxes would he guess there were.

Mr. RAUH. We know of at least three, and then it gets to be a question. There are three where the hoaxes were proved and then it gets to be a question of some other items, which we think were hoaxes, but they are all in the debatable stage. There are three of the same category where the hoax has been admitted, as in this Joyce case, where the hoax was actually admitted by the wife of the man who perpetrated it, and she said it was done at the request of three Kohler men.

Now, there are three like that, Senator, and there are some that we could debate about.

Senator GOLDWATER. Do you intend to introduce the other two?

Mr. RAUH. I didn't realize we weren't going to be permitted to put to put in the wife's statement this way.

Senator GOLDWATER. That is up to the Chair. Well, then, there were only three that you know definitely of?

Mr. RAUH. Three hoaxes is some evidence of more, you know, Senator.

Senator GOLDWATER. I am not arguing. I was hoping that you might have some more substantial evidence of the fact they were hoaxes.

Mr. RAUH. I don't know what more substantial evidence we could produce here than the man's wife's own statement to the district attorney that this was a hoax perpetrated by three Kohler men.

Senator GOLDWATER. I might ask the counsel, is it your intention to bring this lady down here?

Mr. KENNEDY. I have no intention.

Senator GOLDWATER. As far as I am concerned, I think that it might be a good idea to hear her, but that is entirely up to you.

The CHAIRMAN. Will you supply me a copy of this statement?

Mr. RAUH. I will have it done right away and supply it to you, Mr. Chairman.

The CHAIRMAN. I think everybody realizes my position. You can go out and get statements and bring them in here and they are not sworn proof, and you have no opportunity to cross-examine them. If that were in affidavit form, the Chair would be inclined to admit it. But just going out and getting statements, if we opened up the record like that, you will have more hearsay than we have facts before we get through.

I am simply trying to preserve the integrity of the record, inasmuch as we possible can. I am not charging that on either side of it, I don't know, but I think that there is a charge in there, in the statement, that three Kohler men, or Kohler representatives, persuaded her husband to take such action.

I think that is pretty serious. If we can identify the men who did it, I would like to cross-examine them a little. But I don't like to just clutter the record with complete hearsay.

I hope I am right in the position I am taking, and I am perfectly willing to get the facts if we can get them under oath.

Mr. RAUH. I do not disagree with that in any way, sir. I simply was told that she was not coming, and this was the only thing I could do.

The CHAIRMAN. I understand.

Mr. RAUH. If she would come, that would suit us fine. I think that we would be permitted, though, under the rules you have followed to date, to offer the newspaper accounts of this hoax; that is, if the secretary would hand this up to the Chairman.

These are the newspaper accounts of this same hoax, and they have been offered by various witnesses, and I think it would only be fair if they were put into the record.

(At this point, the following members were present: Senators McClellan, Curtis, and Goldwater.)

Mr. CONGER. Mr. Chairman, may I make a statement at this time, as the charge has been leveled against the Kohler Co.? I think I have a right to make a statement.

The CHAIRMAN. The Chair will hear you briefly.

Mr. CONGER. There will be a witness, I expect this afternoon, Mr. Desmond, who can testify to what actually happened, who apparently is 1 of the 3 men referred to.

I am sure that he will testify that the Kohler Co. investigated this report, found that it was a hoax, and so reported to everybody.

The CHAIRMAN. All right. We may be able to establish by direct proof that we have a hoax here. We will try it. If we need to go further and get other witnesses, we will do so. The newspaper article we will hold until the witness comes on who can identify it under oath and so forth.

Senator GOLDWATER. Before you leave, Mr. Rauh, you feel certain after consulation with Mr. Rabinowitz, that three is the number of hoaxes that you feel you can establish?

Mr. RAUH. We only feel that there are three definitely proven hoaxes. We feel that there were a lot of other hoaxes that we don't have the facilities for proving.

It is not easy for a private organization to go around proving hoaxes. There are three that are practically admitted. We feel there were others, but we do not have the ability to prove them.

Senator GOLDWATER. The reason I ask is because I think it is a very important thing to develop, in view of the fact that there are 800 affidavits of violence on the other side. I thought you possibly would develop all that you could.

The CHAIRMAN. The Chair is going to permit this press report to be filed as an exhibit so as to serve as a basis for cross-examination of witnesses who may appear on the subject.

Senator GOLDWATER. Mr. Chairman, could we withhold that filing of an exhibit until the witnesses are here?

The CHAIRMAN. We will withhold it, then.

Senator GOLDWATER. I will give you my reasons, if you wish me to, for my request.

The CHAIRMAN. I am perfectly willing to withhold it. I think that would be more proper. But if you are going to interrogate witnesses about it, then I think we ought to put it in as a basis of the interrogation.

Senator GOLDWATER. If the Chair wouldn't mind waiting until we have the witnesses, I believe it would be better.

The CHAIRMAN. We will wait until we get the witnesses on who have been referred to and then ask them about it.

Mr. RAUH. Senator Goldwater used the figure of 800. If he means 800 people received phone calls, that is one thing. But I don't believe anybody—I don't believe from our investigation there is any number like that. That is either a phone call recipient or kind of a joke. I don't know which, Senator.

Senator GOLDWATER. No, it is not a joke. Counsel informs me that there were 846 affidavits. Whether they cover paint throwing or dynamiting, or car wrecking, I don't know. I haven't seen the 845 affidavits of violence.

Mr. RAUH. You haven't seen them, but you are willing to make a charge that they include violence, whereas we do not know that they do. You are willing to make a charge without having seen the affidavits on which you base your own charge, Senator.

Senator GOLDWATER. The newspapers have been quoting that figure for 4 years.

Mr. RAUH. You just objected to our putting in a newspaper clipping, Senator. Why don't you play fair?

Senator GOLDWATER. I didn't object to it at all. I wanted it admitted at the proper time.

The CHAIRMAN. Let's interrogate the witness.

Proceed.

Are there any further questions?

If there are no further questions of this witness, he may stand aside. Call the next witness.

Mr. KENNEDY. Robert Hensel.

The CHAIRMAN. Do you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HENSEL. I do.

TESTIMONY OF ROBERT HENSEL

THE CHAIRMAN. State your name, your place of residence, and business or occupation.

Mr. HENSEL. Robert Hensel, 1912 North 21st Street, Sheboygan, Wis., employed at the Kohler Co.

The CHAIRMAN. Do you waive counsel?

Mr. HENSEL. Yes, I do.

Mr. KENNEDY. Mr. Hensel, you have been employed at the Kohler Co. since 1939?

Mr. HENSEL. Yes, that is right.

Mr. KENNEDY. You did not join the UAW?

Mr. HENSEL. I belonged to the union. I didn't join until after 3 months that I had been in the plant, and I belonged until the time of the strike, when I stayed out for 4 months. After that time I figured there was sufficient time to settle it and I had to go back to work.

Mr. KENNEDY. Did you join the pickets?

Mr. HENSEL. No, I didn't.

Mr. KENNEDY. But you stayed out of work?

Mr. HENSEL. Yes, I did.

Mr. KENNEDY. Did you participate in the meetings where they voted to strike?

Mr. HENSEL. No, I did not.

Mr. KENNEDY. You went back to work in—when? 1954?

Mr. HENSEL. July 26, 1954, if I remember correctly.

Mr. KENNEDY. You live in Sheboygan. Did a group of strikers, citizens, of Sheboygan come to your home one day and demonstrate in front of your home?

Mr. HENSEL. Well, they were two houses away. I think there were about 6 or 7 the first day.

Mr. KENNEDY. How many?

Mr. HENSEL. Six or seven the first day. The second day it increased to about 15 and then about 30. Then it went up beyond anyone's—nobody knew actually how many there were. They increased steadily.

Mr. KENNEDY. In front of your own home?

Mr. HENSEL. At first not, no. I mean people next door to me, to the south, to the north, or across the street, wherever they might have been.

Mr. KENNEDY. These were people that were working at the Kohler Co.?

Mr. HENSEL. Many of them were, although I could not say if they all did. As much as I could see them——

Mr. KENNEDY. The demonstrations were in front of the homes of those who were working at the Kohler Co.?

Mr. HENSEL. Yes.

Mr. KENNEDY. Did they demonstrate in front of your home?

Mr. HENSEL. There were 5 of us in that same block that worked, and 3 of us are real close together.

Mr. KENNEDY. They demonstrated in front of all of them?

Mr. HENSEL. In front of all the homes, more or less.

Mr. KENNEDY. How many people were in front of the homes? You said a few at the beginning, but then it got larger and larger?

Mr. HENSEL. Yes, it did.

Mr. KENNEDY. How many, finally?

Mr. HENSEL. Well, I would judge anywhere from 150 to 200 and possibly more.

Mr. KENNEDY. What were they doing in front of your house?

Mr. HENSEL. They would stand around and holler, and yelled scab, yellow belly, or coward. Often times you didn't pay too much attention, because there was such a terrific noise, and then tension and strain, and you were glad to get out of there.

Mr. KENNEDY. Did this go on for a period of time?

Mr. HENSEL. It lasted, I believe, 2 weeks.

Mr. KENNEDY. Were there demonstrations every day for 2 weeks?

Mr. HENSEL. Every day except Saturdays and Sundays.

Mr. KENNEDY. Were they always in front of your home and these other homes?

Mr. HENSEL. Well, the people that were there, you might say they covered a whole block, there were so many people there, and cars. I imagine a good many of them were spectators or just looking on, but at the same time there were strikers. I didn't know all of them. Some of them I knew, quite a few. But you didn't stand around to watch to find out actually who they were.

Mr. KENNEDY. Were there women in the group, too?

Mr. HENSEL. Yes, women and children alike.

Mr. KENNEDY. Was your house ever damaged by a paint bomb?

Mr. HENSEL. Yes. I had two cases of vandalism.

Mr. KENNEDY. One on January 23, 1955?

Mr. HENSEL. Yes, and one on July 9, I believe, 1955.

Mr. KENNEDY. And paint was splashed on your home and in the second instance on your home and on your porch, is that right?

Mr. HENSEL. The first time it was red paint, just on the front of the porch. The second time I believe it was a creosote oil, as much as we could find out, according to the painter.

It was creosote on the front of the porch which had just been painted 3 weeks before this happened, also on the side of the house, the back of the door. I have a double garage and both doors were smeared with it, and also the north side of the garage, and I had acid on the lawn, and it killed the grass. They tried to write the word "scab," the way it looked, but it didn't work out too well.

Mr. KENNEDY. They tried to write the word "scab"?

Mr. HENSEL. I have a slight bank there, where it slopes down, and you could see where the acid had been thrown.

Mr. KENNEDY. That was in 1955 that the acid was thrown?

Mr. HENSEL. It was at the same time that the creosote was thrown.

Mr. KENNEDY. At the same time?

Mr. HENSEL. Yes, as much as I could tell. I didn't notice it right away, but I could tell that there was a peculiar look on the grass. I rubbed my hand over it slightly and I could tell that it was wet, but I couldn't tell what it was. In time it dried and the grass deadened.

Mr. KENNEDY. Did you have telephone calls in addition?

Mr. HENSEL. We had many telephone calls for about 2 or 3 weeks, mainly at night when we were sleeping.

We would get quite a few of them. It got so bad at last that I put a switch on my telephone and I could shut it off and the telephone wouldn't ring sharply but you would only get a buzz.

Mr. KENNEDY. What would they say on the telephone?

Mr. HENSEL. Sometimes they wouldn't say any thing. Other times they would call you a scab, and a lot of times they would say, "Are you scared? Are you still going to work?"

During the night they never actually said too much, but my wife had several telephone calls during the day when I would be at work that I couldn't repeat.

If I ever found out who they were, a person could sue them. But we don't know who they were.

Mr. KENNEDY. Were they trying in your estimation to scare you out of going to work?

Mr. HENSEL. I gathered that is what their idea was.

Mr. KENNEDY. But you continued to go?

Mr. HENSEL. Yes, I did.

Mr. KENNEDY. Is that continuing at the present time, or is it pretty well stopped?

Mr. HENSEL. No, it is fairly well stopped now.

Mr. KENNEDY. This damage that was done to your home, did you have insurance?

Mr. HENSEL. The first case I always was under the impression that my insurance took care of it. At least, that is the impression that I got from the insurance man. When the time came and the investigator came over, he said it wasn't covered. Then the Kohler Co. took

care of it. The second time I put additional coverage on my property and the insurance company paid for it.

Mr. KENNEDY. What damage was done the first time?

Mr. HENSEL. The first time was $75 and the second time was $177 and some cents.

Mr. KENNEDY. And the Kohler Co. took care of the $75 and the insurance company took care of the $177?

Mr. HENSEL. That is right.

Mr. KENNEDY. Was there anything else that happened to you?

Mr. HENSEL. No, not that I remember now.

Mr. KENNEDY. Were you yelled at in going to work?

Mr. HENSEL. Yes, that was more or less going on all the time. We didn't know who that would be, a particular person.

Mr. KENNEDY. Thank you very much.

The CHAIRMAN. I hand you a series of pictures and ask you to examine them and state whether you identify them.

(The photographs were handed to the witness.)

Mr. HENSEL. They are all mine.

The CHAIRMAN. They are all yours?

Mr. HENSEL. Yes, sir.

The CHAIRMAN. Do you mean those are pictures of the damage done to your property?

Mr. HENSEL. Yes, they are.

The CHAIRMAN. They may be made exhibit 33–A, B, C, and so forth.

(The documents referred to were marked "Exhibits Nos. 33–A to K" for reference, and may be found in the files of the select committee.)

The CHAIRMAN. The $75 and the $177, did that cover all of the damage represented in these pictures?

Mr. HENSEL. Yes, it does. The only thing that didn't cover it was I had rose bushes in the back of the house that were damaged. In other words, they died off, and also the grass. The insurance didn't take care of that. I took care of it myself. The Kohler Co. offered to pay me for it, but I didn't send in a bill. It amounted to maybe $15, so I took care of it myself.

The CHAIRMAN. Are you still working at the Kohler plant?

Mr. HENSEL. Yes, I do.

The CHAIRMAN. What department do you work in?

Mr. HENSEL. Pottery casting.

The CHAIRMAN. Is that where you have the trouble with silicosis?

Mr. HENSEL. Yes, it is.

The CHAIRMAN. What are those working conditions? I would like to have somebody tell us a little about them. I don't know that it is the function of the committee to go particularly into working conditions, unless they are so inhuman or something that they constitute an inhuman labor situation.

Mr. HENSEL. There is dust in the place. We don't deny that. We do have respirators that a person can use. I also think if a person takes care of himself and watches himself, as far as when the periods of dust might be heavier, and also things of operation that you do, if you will put the respirator on, you can protect yourself to a great extent. Although some people might be more susceptible than others,

like in TB. But in my case, I have had X-rays taken at the Kohler Co. and at my own doctor, and I have found no damage whatsoever.

The CHAIRMAN. How long have you been working at that place?

Mr. HENSEL. Almost 18 years.

The CHAIRMAN. In this place where there is the complaint about the working conditions?

Mr. HENSEL. Yes.

The CHAIRMAN. You have been working there about 18 years?

Mr. HENSEL. Yes, sir.

The CHAIRMAN. Has your health been affected by it?

Mr. HENSEL. Not that I can tell. I can do anything else a man my age can do.

The CHAIRMAN. Are there any further questions?

Senator GOLDWATER. Mr. Chairman.

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Did you have occasion to read the daily strike bulletins put out by the union?

Mr. HENSEL. Well, here and there. Many times a person could see them or happen to get ahold of them.

Senator GOLDWATER. Was your name ever mentioned?

Mr. HENSEL. I believe it was. I think right after I went back to work. My name and I think my wife's and my child. I don't know if they actually stated my wife's name, but they mentioned it as a wife and child.

Senator GOLDWATER. When did your trouble start?

Mr. HENSEL. I went back July 26, and the first week I didn't have any trouble whatsoever, but on the second Tuesday, the Tuesday of the second week, that is when it started in.

Senator GOLDWATER. Would that be the second week in August?

Mr. HENSEL. I believe it would be, yes.

Senator GOLDWATER. Just to refresh your memory and to allow the committee the opportunity of hearing the type of peaceful propaganda that was put out, I will read from the daily strike bulletin of August 10, 1954:

Jumpy nerves. Math Eberhardy, William Hartenberger, Marvin Hasenstein, and Robert Hensel live on Sheboygan's North 21st between Cleveland and Garfield Avenues, half block south of St. Domenick's Church. All of them are scabs. Each night a royal reception awaits them when they arrive home from strike-breaking. The crowd of Kohler strikers and their sympathizers is increasing nightly. On Wednesday morning of last week, Attorney H. S. Humke was seen entering scab Eberhardy's house.

Mr. Chairman, there are other excerpts from these strike bulletins, and as the opportunity arises I will read them into the record.

The CHAIRMAN. Do we have a number of those strike bulletins?

Senator GOLDWATER. Eight is the total that we have.

The CHAIRMAN. At the proper time they can be made exhibits for reference.

Senator GOLDWATER. Thank you.

The CHAIRMAN. We will have someone identify them all and make them exhibits for the record.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. On how many occasions was this paint and acid thrown on your property?

Mr. HENSEL. Twice.

Senator CURTIS. Twice?

Mr. HENSEL. Yes, sir.

Senator CURTIS. And the date of that was about when?

Mr. HENSEL. The first one, if I remember correctly, was January 23, a Sunday 1955, and the other one was on July 9, 1955. I believe that was on a Saturday.

Senator CURTIS. Did you report this to police officers?

Mr. HENSEL. Yes, I did.

Senator CURTIS. To whom?

Mr. HENSEL. I called the Sheboygan Police Department, and they would send some officer up to investigate.

Senator CURTIS. No arrests were made?

Mr. HENSEL. No, sir; not that I ever knew of or heard of.

Senator CURTIS. These people that were milling around on your block there, calling you names and so on, did there appear to be a leader among them?

Mr. HENSEL. Well, it was hard to tell. At the beginning it appeared as though there might have been one of the strikers in the neighborhood, but you couldn't actually tell, because there were 6 at first, and I believe 3 of them lived in the same block that I did, and—4 in the same block that I did, and another 2 live in the block a block south.

Senator CURTIS. When they were there in their full numbers, did it cause any obstruction to the sidewalk?

Mr. HENSEL. Most of the time I had enough room to get through, on most occasions. I mean, they didn't seem to block me out, as much as I could tell, although at times they closed in slightly or made gestures of possibly moving toward me, but I was never actually touched. One particular evening, on a Friday evening, I remember, I believe it was the second week that this was going on, I came home from work and my driveway was full of many people.

At the time, I didn't know, but my neighbor told me he had stayed out that particular week and there were 26 strikers or people on top of my driveway. I know I only had about a foot or room to get through.

I kind of expected that probably maybe they figured I was mad enough that I might do something, give somebody a push, but I knew what the score was, and I wiggled my way through and went into my home. I didn't touch nobody.

Senator CURTIS. You worked at Kohler for about 18 years?

Mr. HENSEL. Yes, sir.

Senator CURTIS. And you know quite a number of those people?

Mr. HENSEL. Yes, I do.

Senator CURTIS. Do you know of other instances where Kohler workers were harassed by telephone calls, damage to their property, and these demonstrations in front of their homes?

Mr. HENSEL. Yes; from what I have heard and read in the newspapers, and fellows that I have talked to.

Senator CURTIS. Of those that have come to your knowledge, were any of the victims strikers?

Mr. HENSEL. Do you mean that had the damage?

Senator CURTIS. Yes; the victims of the damage.

Mr. HENSEL. The only one that I ever heard about or read about Allen Grasskamp, if I remember correctly.

Senator CURTIS. But all the others were nonstrikers?

Mr. HENSEL. As much as I know, yes.

Senator CURTIS. Do you know of any of the nonstrikers who carried on campaigns of harassment by telephone?

Mr. HENSEL. Of the nonstrikers that did?

Senator CURTIS. Yes, sir.

Mr. HENSEL. Not that I know of.

Senator CURTIS. You never heard of any campaign on the part of the nonstrikers to harass people all night long by ringing their phone?

Mr. HENSEL. Not that I know of; no.

Senator CURTIS. Do you know of any home demonstrations that were put on by the nonstrikers?

Mr. HENSEL. No, sir.

Senator CURTIS. Do you know of any escapades where they would go out and damage people's property and throw paint and terrorize women and children by attacks on their home, that were carried on by nonstrikers?

Mr. HENSEL. The only one I heard of, I guess, was mentioned before, and the testimony will be brought up later. That is the only case of a nonstriker that I know of.

Senator CURTIS. Just that one case?

Mr. HENSEL. Yes, sir.

Senator CURTIS. You heard of a good many that were strikers, is that correct?

Mr. HENSEL. I don't quite get the question, sir.

Senator CURTIS. You only heard of the one case where the offender was a nonstriker?

Mr. HENSEL. Yes.

Senator CURTIS. But of the other side, among the strikers, you heard of a number of cases; is that right?

Mr. HENSEL. That is right.

Senator CURTIS. Are you acquainted with some of the people who had their property damaged?

Mr. HENSEL. Yes, I am. I know some of them. Offhand I don't remember too many.

Senator CURTIS. And those that you know about, the damage was genuine and not a hoax; is that right?

Mr. HENSEL. I would say so.

Senator CURTIS. That is all.

The CHAIRMAN. All right. Call the next witness.

Thank you very much.

(At this point, the following members were present: Senators McClellan, Curtis, and Goldwater.)

Mr. KENNEDY. Mr. Carl Yerkman.

The CHAIRMAN. Do you solemnly swear the evidence you shall give before this Senator select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. YERKMAN. I do.

TESTIMONY OF CARL YERKMAN

The CHAIRMAN. State your name, your place of residence and your business or occupation.

Mr. YERKMAN. My name is Carl Yerkman. I live at 927 South 22d Street, Sheboygan, Wis. I am employed at the Kohler Co.

The CHAIRMAN. Do you waive counsel?

Mr. YERKMAN. Yes, sir.

The CHAIRMAN. How long have you been working for the Kohler Co.

Mr. YERKMAN. About 7 years, sir; 7 years, sir.

The CHAIRMAN. In what department or division?

Mr. YERKMAN. Foundry, sir.

The CHAIRMAN. The foundry?

Mr. YERKMAN. Yes, sir.

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. Did you belong to the UAW?

Mr. YERKMAN. No, sir.

Mr. KENNEDY. When they went on strike, you did not support the strike?

Mr. YERKMAN. No, sir.

Mr. KENNEDY. After the mass picketing ended, you came back to work?

Mr. YERKMAN. Yes, sir.

Mr. KENNEDY. Did you receive telephone calls after you came back to work?

Mr. YERKMAN. Yes; a lot of them.

Mr. KENNEDY. And did they come at all times of the night and early morning?

Mr. YERKMAN. Yes, sir.

Mr. KENNEDY. What would they say to you on the telephone?

Mr. YERKMAN. Well, most of the time they were calling they would just get you to the phone and hang up, in most cases.

Mr. KENNEDY. Did they say anything to you?

Mr. YERKMAN. Well, they called me a scab over the telephone, yes.

Mr. KENNEDY. On September 13, 1954, your living-room window was broken by a rock?

Mr. YERKMAN. That is right, sir.

Mr. KENNEDY. Is that correct?

Mr. YERKMAN. Yes, sir.

Mr. KENNEDY. And then on March 20, 1956, while you were at work, and your wife was at home, two glass pint jars were thrown into your house?

Mr. YERKMAN. Yes, sir.

Mr. KENNEDY. Thrown through the window and into your home?

Mr. YERKMAN. Yes; one of them went in.

Mr. KENNEDY. One of them got in and the other did not?

Mr. YERKMAN. That is right.

Mr. KENNEDY. Did it cover the room with this mixture?

Mr. YERKMAN. That is right.

Mr. KENNEDY. What was it? Did you find out what it was?

Mr. YERKMAN. Well, this one that went in the house wasn't really a paint. It was a lacquer, lubricating oil and what have you, all mixed together.

Mr. KENNEDY. Did it go all over the living room?
Mr. YERKMAN. Yes.
Mr. KENNEDY. Did the jar almost hit your wife?
Mr. YERKMAN. Yes.
Mr. KENNEDY. It just barely missed her?
Mr. YERKMAN. Yes.
Mr. KENNEDY. What did she do?
Mr. YERKMAN. She ran outside to see if she could see anybody. There was a car parked pretty close to the house there. She seen two fellows get in it, and they beat it, with their lights turned off, of course.
Mr. KENNEDY. It was at night? It was about 10:30 at night?
Mr. YERKMAN. That is right.
Mr. KENNEDY. She couldn't identify anyone?
Mr. YERKMAN. No, sir.
Mr. KENNEDY. Did you ever find out who was responsible?
Mr. YERKMAN. No, sir.
Mr. KENNEDY. Did you report it to the police?
Mr. YERKMAN. Yes, sir.
Mr. KENNEDY. The police were not able to solve the case?
Mr. YERKMAN. No, sir.
Mr. KENNEDY. What was the damage that was done?
Mr. YERKMAN. Well, in the first case there were the rock. I believe that only amounted to a few dollars, about $5, or something like that, if I am not mistaken. It only was really two windows that was broken the first time with the rock, but in the second case I don't remember what that cost.
Mr. KENNEDY. Did the insurance company take care of that?
Mr. YERKMAN. No, sir, the Kohler Co. did.
Mr. KENNEDY. You don't remember how much it was?
Mr. YERKMAN. No, not the second time.
Mr. KENNEDY. How much was it, approximately?
Mr. YERKMAN. I would say around between $20 and $30 or somethink like that.
Mr. KENNEDY. Between $20 and $30. Did anything else happen to you?
Mr. YERKMAN. Well, nothing besides that, no.
Mr. KENNEDY. You were yelled at when you went to work?
Mr. YERKMAN. Yes, plenty.
Mr. KENNEDY. Were you called a scab?
Mr. YERKMAN. That is right.
Mr. KENNEDY. Did you feel that the responsibility for this situation rests with the strike that was going on?
Mr. YERKMAN. Yes.
Mr. KENNEDY. You didn't have any trouble like this before?
Mr. YERKMAN. No, sir.
Mr. KENNEDY. And you will say you feel that it arose out of this strike situation, the bitterness between the strikers and nonstrikers?
Mr. YERKMAN. Yes, sir.
The CHAIRMAN. They called you scab. What did you call them?
Mr. YERKMAN. I didn't call them anything, sir.
The CHAIRMAN. I was just wondering. That seems to be their favorite term to apply to you who wanted to work. You were scabs. I wondered what you applied to them, when they called you up and called you a scab. What did you do? What did you say?

Mr. YERKMAN. Well, you usually couldn't say anything, sir. They usually hung up. They would call you that and hang up.

The CHAIRMAN. They would call you a scab and hang up?

Mr. YERKMAN. That is right.

The CHAIRMAN. Not give you a chance to call them anything back?

Mr. YERKMAN. That is right.

The CHAIRMAN. You felt like saying a little something at times, didn't you?

Mr. YERKMAN. At times, yes.

The CHAIRMAN. I hand you a couple of photographs and ask you to examine them and state whether you identify them.

(The photographs were handed to the witness.)

Mr. YERKMAN. Yes, sir; that is it all right. One shows the interior of the house, and the other the exterior.

The CHAIRMAN. Those are pictures of the damage to your property?

Mr. YERKMAN. That is right.

The CHAIRMAN. They may be made exhibits 34 and 34A.

(The documents referred to were marked "Exhibits 34 and 34A" for reference, and may be found in the files of the select committee.)

The CHAIRMAN. Are there any questions?

Senator CURTIS. Yes, Mr. Chairman.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. How many of a family did you say you have?

Mr. YERKMAN. I have five children, sir.

Senator CURTIS. How old is the oldest one?

Mr. YERKMAN. The oldest one is about 12 years old now.

Senator CURTIS. Over how long a period of time did you have this harassment of telephone calls?

Mr. YERKMAN. Well, 1954, 1955, in through there; 2 years.

Senator CURTIS. Was it a considerable disturbance in your household insofar as you and your wife running the household and care of the family and carrying on your work to have this?

Mr. YERKMAN. That is right, sir.

Senator CURTIS. Did it frighten any member of your family?

Mr. YERKMAN. Very much so. The children, by golly, I couldn't get them to sleep for about 5 or 6 night after that rock attack.

Senator CURTIS. Is that right?

Mr. YERKMAN. That is right.

Senator CURTIS. That was after they threw the rock?

Mr. YERKMAN. That is right. And a little more I would like to add. On that particular night, the little one was only 3 months old, and my wife had trouble with her. She had a stomach ache or something, and she had her in the front room there. She was watching television. She couldn't go to sleep anyway, because of the child. So she turned off the television, turned off the front room light, and was going to go and warm the baby's bottle. In the meantime this rock came through this window and just barely missed that baby, by inches. The glass, in fact, laid in the crib.

Senator CURTIS. The glass went into the crib?

Mr. YERKMAN. The glass from the window, yes, it laid into the crib. I call that a dirty, lowdown, sneaky trick, if anybody ever pulled that.

Senator CURTIS. When did that happen?

Mr. YERKMAN. That was in 1954.

Senator CURTIS. Did you report that to any police officer?

Mr. YERKMAN. Yes, sir.

Senator CURTIS. To whom?

Mr. YERKMAN. To Sheboygan Police Department and also reported it to the company.

Senator CURTIS. But no arrests were ever made?

Mr. YERKMAN. No, sir.

Senator CURTIS. Well, now, do you know of other people who went through torture like this, of having little children terrorized, and not necessarily glass in their crib, but went through as victims of such harassment?

Mr. YERKMAN. Yes, sir.

Senator CURTIS. Those people that you know about, were they strikers or nonstrikers?

Mr. YERKMAN. Nonstrikers. One in particular, my neighbor got it at the same time I got mine.

Senator CURTIS. Did they ever have any home demonstration in front of your home?

Mr. YERKMAN. No, sir.

Senator CURTIS. But you know about some of those?

Mr. YERKMAN. I heard about them.

Senator CURTIS. Did you ever hear about any of those that were carried on in front of the home of a striker?

Mr. YERKMAN. No, sir.

Senator CURTIS. Mr. Chairman, in that connection, I think that we can take judicial notice of the intermediate report of the trial examiner in the Kohler case now pending before the NLRB for decision. Here is the finding of the trial examiner.

The CHAIRMAN. Has that report been made an exhibit here?

Senator CURTIS. Yes, I think it has.

The CHAIRMAN. All right.

Senator CURTIS. The union strike bulletin of August 17 stated, for example:

> Reception committee: In a few days, the activities of the Twelfth Street Reception Committee for the homecoming scabs has grown to such proportion that it now equals anything the northsiders can put on. The gathering of people formed in front of 2216 South Twelfth, shortly after 3:30 on Monday, to welcome scab Robert Healy. Five more homes were visited before the demonstrations came to an end.

That is the end of the quotation.

Continuing with the finding of the trial examiner, he says this:

> Though disclaiming that the demonstrations were planned by the union, the union's publicity was plainly designed to inspire and encourage their continuation and spread.

That is the end of the quotation.

I think the trial examiner's finding certainly coincides with the preponderance of evidence here that these acts to terrorize people, and to frighten little children and women, and to damage property, was not spontaneous but it was a part of the program planned and carried out by these UAW people in charge of that strike.

That is all, Mr. Chairman.

The CHAIRMAN. Are there any further questions?

Thank you very much. Call the next witness.

Mr. KENNEDY. This is Arleigh Gosse, G-o-s-s-e.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. GOSSE. I do.

TESTIMONY OF MRS. ARLEIGH G. GOSSE

The CHAIRMAN. State your name, and your place of residence, and your business or occupation, please?

Mrs. GOSSE. I am Mrs. Arleigh Gosse, and I am from Sheboygan Falls, Wis., and I am employed at the Kohler Co.

The CHAIRMAN. You waive the right of counsel, do you?

Mrs. GOSSE. Yes, sir.

The CHAIRMAN. I didn't quite understand you. In what capacity are you employed by the Kohler Co.?

Mrs. GOSSE. I work in the brass building.

The CHAIRMAN. What building?

Mrs. GOSSE. I am employed in the brass building.

The CHAIRMAN. All right.

Mr. KENNEDY. You worked at the Kohler Co. for how long?

Mrs. GOSSE. Three years last September.

Mr. KENNEDY. You came to work in September of 1954?

Mrs. GOSSE. That is right.

Mr. KENNEDY. That was while the strike was going on?

Mrs. GOSSE. That is right.

Mr. KENNEDY. And the Kohler Co. was looking for people to replace the strikers?

Mrs. GOSSE. Yes, sir.

Mr. KENNEDY. And you went to work in the brass division at that time?

Mrs. GOSSE. That is right.

Mr. KENNEDY. Now, after you started to work there, did you start receiving telephone calls?

Mrs. GOSSE. Yes, I did.

Mr. KENNEDY. And what would they say in those telephone calls?

Mrs. GOSSE. Well, they called around 11:30 or 12 o'clock at night, and I would get up and I would answer, but most of the times they didn't say anything to me.

Mr. KENNEDY. They just called?

Mrs. GOSSE. That is right.

Mr. KENNEDY. Did they ever say anything to you?

Mrs. GOSSE. No, sir.

Mr. KENNEDY. They never said anything?

Mrs. GOSSE. No.

Mr. KENNEDY. Now, did you have anything happen to your home?

Mrs. GOSSE. Yes, we had two paint bombs thrown into my house.

Mr. KENNEDY. At different times?

Mrs. GOSSE. On January 18, we got both bombs.

Mr. KENNEDY. Both bombs on January 18?

Mrs. GOSSE. Yes, sir.

Mr. KENNEDY. What happened? Would you tell what happened?

Mrs. GOSSE. One bomb went into my in-laws' room, bedroom, and one went through my front window.

Mr. KENNEDY. Was there anything in them? Were they paint bombs?

Mrs. GOSSE. Yes, it was almost like a dye.

Mr. KENNEDY. Did it spread?

Mrs. GOSSE. Yes, sir. My mother-in-law was in bed at the time, and she was splattered. Her face was full, and her hair was full, and her eyes were full. And my front room was damaged.

Mr. KENNEDY. All filled with the paint?

Mrs. GOSSE. That is right.

Mr. KENNEDY. Did the police come out?

Mrs. GOSSE. Yes. We called the sheriff.

Mr. KENNEDY. The sheriff's department?

Mrs. GOSSE. Yes, sir.

Mr. KENNEDY. Did they come out?

Mrs. GOSSE. Yes.

Mr. KENNEDY. Were they able to solve it?

Mrs. GOSSE. No.

Mr. KENNEDY. Were you ever able to find out who was responsible?

Mrs. GOSSE. No, sir.

Mr. KENNEDY. Do you feel it arises or grows out of this strike?

Mrs. GOSSE. Yes, sir.

Mr. KENNEDY. At the Kohler Co.?

Mrs. GOSSE. Yes, sir.

Mr. KENNEDY. And the bitterness between the strikers and the nonstrikers?

Mrs. GOSSE. Yes.

Mr. KENNEDY. What was the damage that was done to your home?

Mrs. GOSSE. Will you repeat that?

Mr. KENNEDY. What was the amount of damage?

Mrs. GOSSE. I don't know offhand what it was.

Mr. KENNEDY. Did you have the place insured?

Mrs. GOSSE. No, we didn't.

Mr. KENNEDY. You got it from the Kohler Co.?

Mrs. GOSSE. The Kohler Co. came out and took care of it.

Mr. KENNEDY. How much was it, approximately?

Mrs. GOSSE. I don't know just offhand.

Mr. KENNEDY. Approximately how much was it?

Mrs. GOSSE. Over $100.

Mr. KENNEDY. About $100?

Mrs. GOSSE. Over $100.

Mr. KENNEDY. Had you ever had any trouble like this prior to the strike?

Mrs. GOSSE. No, sir.

Mr. KENNEDY. Was there anything else that happened to you?

Mrs. GOSSE. Well, it was in September shortly after I started to work, it was harvest time, corn time, and our corn chopper was damaged. They put a good sized bolt in the cornstalk, and when my husband went to chop, it ruined our whole chopper.

Mr. KENNEDY. It ruined the corn chopper?

Mrs. GOSSE. Yes, sir.

Mr. KENNEDY. How much was the damage to the corn chopper?

Mrs. GOSSE. I wouldn't know that.

Mr. KENNEDY. You don't know that?

Mrs. GOSSE. No.

Mr. KENNEDY. Did the Kohler Co. reimburse you for that?
Mrs. GOSSE. Yes, sir.
Mr. KENNEDY. You don't know how much he got?
Mrs. GOSSE. No, I don't.
Mr. KENNEDY. Was there anything else?
Mrs. GOSSE. No
Mr. KENNEDY. Thank you.
Senator CURTIS. You live on a farm, do you?
Mrs. GOSSE. That is right.
Senator CURTIS. And what is your husband's name?
Mrs. GOSSE. Harley Gosse.
Senator CURTIS. Now, about this incident of the damage to the corn-cutting machine, when he discovered that it had broken down, he got out or he went to examine what caused the knife to break, and what was it he found?
Mrs. GOSSE. A good sized bolt had been tied into the stalk with binder twine.
Senator CURTIS. Now, in examing other rows of corn, did he find any other bolts tied on to them?
Mrs. GOSSE. That is right, we did.
Senator CURTIS. Quite a number of them?
Mrs. GOSSE. We have a few at home, yes, that we found, and besides those that went through the chopper.
Senator CURTIS. And apparently it was tied on there by someone in order to damage the machine?
Mrs. GOSSE. That is right.
Senator CURTIS. How much of a family do you have?
Mrs. GOSSE. I have one boy.
Senator CURTIS. How old is he?
Mrs. GOSSE. Fifteen.
Senator CURTIS. Did you get any telephone calls, too?
Mrs. GOSSE. Yes, we did.
Senator CURTIS. Over how long a time did that extend?
Mrs. GOSSE. We didn't receive just too many, but off and on we did get calls, but they never said anything to me.
Senator CURTIS. Did you find this throwing of paint or dye and the phone calls and the damage to the farm machine an upsetting and disturbing experience around your home?
Mrs. GOSSE. Yes. It scared my mother-in-law very much.
Senator CURTIS. Do you know of some other instances where people were harassed in this manner, or in a somewhat similar manner and they had their property damaged?
Mrs. GOSSE. Yes, sir.
Senator CURTIS. Those cases that you know about, were the victims strikers or nonstrikers?
Mrs. GOSSE. Nonstrikers.
Senator CURTIS. Now, of the cases that you do know about, were there any of the victims strikers?
Mrs. GOSSE. No, sir.
Senator CURTIS. And living in the country, you reported this to the sheriff's department?
Mrs. GOSSE. That is right.
Senator CURTIS. Did the sheriff himself come out?

Mrs. Gosse. No, sir.

Senator Curtis. Which instance did you report to the sheriff or the sheriff's office? Was it the damage to the house, or to the corn-cutting machine?

Mrs. Gosse. To the house.

Senator Curtis. He sent a deputy out or something?

Mrs. Gosse. That is right. There were two of them out there.

Senator Curtis. How long were they out there?

Mrs. Gosse. Just a few minutes.

Senator Curtis. Just a few minutes?

Mrs. Gosse. Yes, sir.

Senator Curtis. Did they ever come back?

Mrs. Gosse. No, sir.

Senator Curtis. They never came back to get further information or to make a report, either one?

Mrs. Gosse. No, sir.

Senator Curtis. When did you say that was?

Mrs. Gosse. It was in January when we got the paint bombs of 1955.

Senator Curtis. Of 1955?

Mrs. Gosse. Yes, sir.

Senator Curtis. That was a few months following the election, where the UAW had helped the sheriff finance his campaign?

Mrs. Gosse. That is right.

Senator Curtis. That is all, Mr. Chairman.

The Chairman. I present to you a series of pictures, and I will ask you to examine them and state if you identify them, please.

(Documents were handed to the witness.)

Mrs. Gosse. Those are the pictures of my home.

The Chairman. Those are the pictures of the damage done to your home?

Mrs. Gosse. Yes, sir.

The Chairman. They may be made exhibit No. 35, A, B, C, D, and so forth.

(Documents referred to were marked "Exhibits No. 35, A, B, C, D," for reference and may be found in the files of the select committee.)

The Chairman. Are there any further questions?

Thank you very much.

Call the next witness.

Mr. Kennedy. Victor Sippel.

The Chairman. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth so help you God?

Mr. Sippel. I do.

TESTIMONY OF VICTOR SIPPEL

The Chairman. Be seated, and state your name and your place of residence, and your business or occupation.

Mr. Sippel. My name is Victor Sippel. I live at Mount Calvary, Wis., and I work for the Kohler Co.

The Chairman. You waive the right of counsel?

Mr. Sippel. I do.

The CHAIRMAN. How long have you worked for the Kohler Co.?

Mr. SIPPEL. I believe it was November 13, 1954.

The CHAIRMAN. You started to work for the Kohler Co. after the strike, and after the mass picketing had ended?

Mr. SIPPEL. That is right.

The CHAIRMAN. I see.

All right, Mr. Kennedy.

Mr. KENNEDY. You lived out in the country?

Mr. SIPPEL. Yes, sir.

Mr. KENNEDY. And did you understand that the Kohler Co. was looking for employees?

Mr. SIPPEL. That is right.

Mr. KENNEDY. So you came in and went to work, in August of 1954?

Mr. SIPPEL. This was November of 1954.

Mr. KENNEDY. After you started to go to work, did you receive telephone calls?

Mr. SIPPEL. No, I never received any telephone calls.

Mr. KENNEDY. When you used to go to work, did you own an automobile at that time?

Mr. SIPPEL. Pardon me?

Mr. KENNEDY. Did you own an automobile?

Mr. SIPPEL. Yes.

Mr. KENNEDY. What kind of an automobile did you own?

Mr. SIPPEL. I owned a 1941 Ford, and also a 1952 Ford.

Mr. KENNEDY. Did you used to drive your 1941 Ford to a road juncture and you were picked up by someone else and came to work?

Mr. SIPPEL. That is right.

Mr. KENNEDY. Was your Ford, was it damaged or destroyed?

Mr. SIPPEL. Yes, it was.

Mr. KENNEDY. Could you tell the committee what happened?

Mr. SIPPEL. Well, this particular morning I left the automobile at the usual place, at a road juncture, and I rode with the other workers. After I got to the plant somebody, another worker that starts at a later hour, noticed that my car had been blown up and he reported it to me at the plant.

Mr. KENNEDY. Did you ever find out who was responsible?

Mr. SIPPEL. No, sir, I didn't.

Mr. KENNEDY. How far away from the Kohler Co. is that?

Mr. SIPPEL. Where this automobile was blown up, you mean?

Mr. KENNEDY. Yes.

Mr. SIPPEL. It was about 23 miles.

Mr. KENNEDY. Did you have insurance on it?

Mr. SIPPEL. I found out I wasn't covered, but the insurance company did pay me $50.

Mr. KENNEDY. They gave you $50?

Mr. SIPPEL. That is right.

Mr. KENNEDY. Did the Kohler Co. give you anything?

Mr. SIPPEL. They also gave me some to make up for the expense.

Mr. KENNEDY. How much?

Mr. SIPPEL. I believe it was $63, and I am not too sure on that. But it was close to that.

Mr. KENNEDY. So you received about $115?

Mr. SIPPEL. That is about it.

Mr. KENNEDY. For your automobile?

Mr. SIPPEL. That is right.

The CHAIRMAN. You had an old car, just something to get to and from work?

Mr. SIPPEL. That is right.

Mr. KENNEDY. Did you have anything else happen to you in connection with this strike?

Mr. SIPPEL. No, I didn't.

Mr. KENNEDY. Nobody was ever arrested in connection with it?

Mr. SIPPEL. Not that I know of.

Mr. KENNEDY. Did you feel that the damage to your automobile or the destruction of your automobile was caused by this strike or arose out of this strike?

Mr. SIPPEL. Oh, yes, definitely I do.

Mr. KENNEDY. And the bitterness that existed between the strikers and the nonstrikes?

Mr. SIPPEL. That is right.

The CHAIRMAN. This explosion, this blowing up of your car, occurred in the daytime or at night?

Mr. SIPPEL. This must have occurred between 5:30 and quarter of 6 in the morning, in early morning, and it was still dark.

The CHAIRMAN. In the early morning?

Mr. SIPPEL. That is right.

The CHAIRMAN. I hand you a series of pictures, and I ask you to examine them and state if you identify them.

(Documents were handed to the witness.)

Mr. SIPPEL. These are the pictures of my car, or the remains of my car.

The CHAIRMAN. They are different pictures, or pictures showing the condition of your car after it had been blown up?

Mr. SIPPEL. That is right.

The CHAIRMAN. They may be made exhibit No. 36 for identification.

(Documents referred to were marked "Exhibit No. 36" for reference and may be found in the files of the select committee).

The CHAIRMAN. Are there any questions?

Senator CURTIS. What was the date of this damage to this car?

Mr. SIPPEL. I believe it was February 24, 1955.

Senator CURTIS. What damage was done to the car?

Mr. SIPPEL. Well, it actually was a complete wreck.

Senator CURTIS. Upon examining it, did you have any theory as to what had been done to it?

Mr. SIPPEL. Well, it looked to me as though dynamite was placed inside of it.

Senator CURTIS. Inside of it?

Mr. SIPPEL. That is right.

Senator CURTIS. Perhaps under the hood?

Mr. SIPPEL. I believe that is what they found it to be.

Senator CURTIS. Did you report this?

Mr. SIPPEL. Yes, immediately.

Senator CURTIS. To whom did you report it?

Mr. SIPPEL. I reported it to the county sheriff of Fond du Lac County.

Senator CURTIS. Was an investigation made?

Mr. SIPPEL. Yes.

Senator CURTIS. Now, that is the adjoining county?

Mr. SIPPEL. Yes, sir.

Senator CURTIS. No arrests were ever made?

Mr. SIPPEL. No, sir.

Senator CURTIS. Were there any other workers that you know of that had their cars damaged?

Mr. SIPPEL. Well, I have heard of quite a few, but living away from the plant that far, I didn't know these people personally.

Senator CURTIS. And how far did you live from the plant?

Mr. SIPPEL. Twenty-five miles.

Senator CURTIS. So you escaped some of the home demonstrations?

Mr. SIPPEL. That is right.

Senator CURTIS. And if they were going to call you up, would they have to call you by long distance?

Mr. SIPPEL. Yes, sir, and they would have to go through the operator, and so I never had any trouble.

Senator CURTIS. You were beyond the reach of these people who were carrying on this planned reign of terror there, weren't you?

Mr. SIPPEL. I guess so.

Senator CURTIS. That is all.

The CHAIRMAN. How long had you been working before this occurred?

Mr. SIPPEL. I started on October 13.

The CHAIRMAN. On October 13?

Mr. SIPPEL. I think it was the 13th of October, and this happened February 24, of 1955.

The CHAIRMAN. You had been working some 3 or 4 months before this happened?

Mr. SIPPEL. Yes, sir.

The CHAIRMAN. Did you receive any warning or any threats prior to the time of the damage to your car?

Mr. SIPPEL. Well, nothing other than the usual thing when we went through the picket line, that "You had better watch it," or "Some day you will get it," or things like that. That was the usual thing.

The CHAIRMAN. Did that occur repeatedly when you went through the picket line?

Mr. SIPPEL. Yes, sir.

The CHAIRMAN. There were implied threats that "You had better watch out," or "You are going to get it," and so forth?

Mr. SIPPEL. That is right.

The CHAIRMAN. So had you been apprehensive, or had you been suspecting something like this to happen?

Mr. SIPPEL. No, I hadn't, because I had never an "out" with anybody and I never had an argument with anybody, and so I really didn't expect anything like that. Nobody ever contacted me as far as wanting me to quit or anything like that.

(At this point, the following members were present: Senators McClellan, Curtis, and Goldwater.)

The CHAIRMAN. All that was ever said to you was as you would enter or depart from the plant?

Mr. SIPPEL. That is right.

The CHAIRMAN. That would be said by the pickets on the picket line?

Mr. SIPPEL. That is right.

The CHAIRMAN. Thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. Warren Williams.

The CHAIRMAN. Do you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WILLIAMS. I do.

TESTIMONY OF WARREN WILLIAMS

The CHAIRMAN. State your name, your place of residence and business or occupation.

Mr. WILLIAMS. My name is Warren Williams. I live in Cascade, Wis., and work for the Kohler Co.

The CHAIRMAN. How long have you been working for the Kohler Co.

Mr. WILLIAMS. I started in January of 1951.

The CHAIRMAN. Do you waive counsel?

Mr. WILLIAMS. Yes, I do.

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. Mr. Williams, you did not join the UAW?

Mr. WILLIAMS. Yes, I did.

Mr. KENNEDY. How long did you remain a member?

Mr. WILLIAMS. I signed a checkoff and paid dues for a year.

Mr. KENNEDY. When they went out on strike, had you gone to the meeting to vote on the strike?

Mr. WILLIAMS. No.

Mr. KENNEDY. You did not join or attend the meeting?

Mr. WILLIAMS. No.

Mr. KENNEDY. Did you join the pickets?

Mr. WILLIAMS. No.

Mr. KENNEDY. When the mass picketing ended, did you go back to work?

Mr. WILLIAMS. That is right.

Mr. KENNEDY. Did you receive any telephone calls?

Mr. WILLIAMS. Just occasionally. There would be a call on the phone, and you would pick it up, and you would hear somebody breathing, and sometimes a little noise in the background, but they never talked.

Mr. KENNEDY. They never talked?

Mr. WILLIAMS. No.

Mr. KENNEDY. How often did that happen?

Mr. WILLIAMS. Just occasionally. Maybe once or twice a week. I worked a swing shift and when I was working at night my wife got the phone calls. I never got any.

Mr. KENNEDY. It was at night while you were away at work?

Mr. WILLIAMS. That is right.

Mr. KENNEDY. There was never anything said?

Mr. WILLIAMS. Never anything said. But we did, after a couple of calls, call back to the long-distance operator and found out that they were local calls. They were not long-distance calls. We live in the county. We checked to see if it was the neighbors or people close by that were living.

Mr. KENNEDY. How far out of Sheboygan do you live?

Mr. WILLIAMS. About 18 miles. It is about 14 miles from the Kohler Co.

Mr. KENNEDY. So it had to be in that area?

Mr. WILLIAMS. It had to be in that area.

Mr. KENNEDY. Did you receive some damage to your automobile?

Mr. WILLIAMS. Yes, I did.

Mr. KENNEDY. Was that a 1954 Chevrolet?

Mr. WILLIAMS. Yes.

Mr. KENNEDY. It was parked in front of your home?

Mr. WILLIAMS. Right in front of the house.

Mr. KENNEDY. Did you find that someone at night had sprayed paint remover or some substance on the car?

Mr. WILLIAMS. That is right.

Mr. KENNEDY. Did you have the car insured?

Mr. WILLIAMS. Yes, I did.

Mr. KENNEDY. And you collected insurance on it?

Mr. WILLIAMS. Yes, I did.

Mr. KENNEDY. How much was the insurance?

Mr. WILLIAMS. The repaint job was, I don't know, $112, $114, or $120. I had 3 or 4 estimates. That is the way the insurance company works, but I went to trade that car in this year, and the first thing the man said—of course, they look them over—he said "This car was in a wreck." I said, "No, it wasn't."

He said, "Then why was it repainted?"

I told him why, and he said, "You know, that knocks off the value of the car, too, when it is repainted."

The CHAIRMAN. It has what?

Mr. WILLIAMS. It knocks the value off when it has been repainted.

Mr. KENNEDY. Did you ever find out who was responsible?

Mr. WILLIAMS. No.

Mr. KENNEDY. Did you report the damage to the sheriff?

Mr. WILLIAMS. Just as soon as I found it.

Mr. KENNEDY. What sheriff was that?

Mr. WILLIAMS. Sheriff Mosch, Sheboygan County.

Mr. KENNEDY. Did they ever solve the case?

Mr. WILLIAMS. No, they never did.

Mr. KENNEDY. They never found out who was responsible?

Mr. WILLIAMS. No.

Mr. KENNEDY. Do you feel it arose out of the strike?

Mr. WILLIAMS. Yes, defintely. You see, where we live in Cascade there is no industry of any kind, so practically all the able-bodied people were working at the Kohler Co. There were 6 or 8 of us that stayed off of the picket line and away from the whole area. I, myself, had other jobs lined up before the strike ever started, and some of the other fellows did, too, but then jobs run out and we figured it was time we got to earning a living again. So we went through one gate for several weeks, because that is where most of the people went through. Then we went through the south gate. That is where we usually go through to go to my job, and all of my neighbors had friends that were on the picket line and were on that gate. Of course, when you go by your neighbors and that, there was quite a lot of discussion of one kind and another.

Mr. KENNEDY. There was great bitterness?

Mr. WILLIAMS. Yes, there was.

Mr. KENNEDY. Between friends, former friends?

Mr. WILLIAMS. Former friends, acquaintances, neighbors, people you went to church with and everybody.

Mr. KENNEDY. Bitterness between those who remained on strike and those who went back?

Mr. WILLIAMS. People you went to church with one Sunday and as soon as the strike started or as soon as you went back to work, they wouldn't talk to you, they wouldn't look at you.

Mr. KENNEDY. You feel the damage to your car arose out of this?

Mr. WILLIAMS. That is right. When you went through the picket line they would say, "Well, you are next," or "Your turn is coming," or "You think you are pretty smart but your turn is coming."

Mr. KENNEDY. These were from the people who remained on the picket line?

Mr. WILLIAMS. The people on the picket line.

The CHAIRMAN. So that is the only kind of warning you had?

Mr. WILLIAMS. That is right, except the night it happened. My wife got two calls, and when she answered there was, of course, nobody there. When I got home in the morning the damage had been done. While I was in the plant, before I went home, two of my neighbors came and told me that they had it in the night, paint bombs and that through the window. Then I got home, I have quite a large window, not a picture window, I drove up to my place and thought, "Well, at least they didn't get my window," and then there was my car.

The CHAIRMAN. They did get your car?

Mr. WILLIAMS. They did get my car.

The CHAIRMAN. I present to you some pictures and ask you to examine them and identify them.

(The photographs were handed to the witness.)

The CHAIRMAN. Are those pictures of your car and the damage to it?

Mr. WILLIAMS. Yes, those are pictures to my car.

The CHAIRMAN. They may be made exhibit No. 37A, B, C, and so forth.

(The documents referred to were marked "Exhibits Nos. 37A to E" for reference and may be found in the files of the select committee.

The CHAIRMAN. Are there any questions?

Senator CURTIS. How many are in your family?

Mr. WILLIAMS. I have three children.

Senator CURTIS. How old are they?

Mr. WILLIAMS. At the time of the strike they were 5, 8 and 11.

Senator CURTIS. And part of the time you worked a night shift, did you?

Mr. WILLIAMS. That is right.

Senator CURTIS. Were these telephone calls that you did receive or that your wife received have a disturbing or terrifying effect on your family?

Mr. WILLIAMS. Yes. We had quite a system set up at the time. Right after people from Cascade start going back to work, they were visited by delegations of strikers, mostly local boys but some we didn't know. And a carload of 4 or 5 would come to a man and try to tell

him not to go back to work or persuade him that he had done the wrong thing to go back to work.

Senator CURTIS. Did they call on you in that manner?

Mr. WILLIAMS. No. But we had it set up. My oldest girl had a flash camera and I gave the boy a pencil, and if somebody came to call on me, I told them that the girl would take the flash camera, take the flash pictures and the boy would take the license numbers. I told them that and that they would be responsible, and nobody came to see me.

Senator CURTIS. You told of this business of how it separated neighbors, and how individuals that you would meet at church and other gatherings would later be separated. Did this bitterness exist to such an extent that it caused all of the people to commit violence?

Mr. WILLIAMS. No, I wouldn't say that. Mostly it was just name calling and such.

Senator CURTIS. You didn't engage in harrassing people at night with telephone calls?

Mr. WILLIAMS. No, I didn't.

Senator CURTIS. You didn't damage anybody's automobile or throw paint bombs in their house?

Mr. WILLIAMS. No. Most of us sat at home, like me, I worked one shift that is 3 in the afternoon to 11 o'clock. I would sit at home with the lights all turned off and maybe the television going but shaded so it couldn't be seen from the outside and a shotgun laying across my lap in case they came by again.

Senator CURTIS. Do you know of any nonstrikers who did engage in property damage or harassment of other people?

Mr. WILLIAMS. No. I think they were mostly home hoping or trying to perhaps get a chance to protect their property or perhaps catch somebody in the act.

Senator CURTIS. But you know of none of the nonstrikers that went out and damaged the other people's property?

Mr. WILLIAMS. No, not a one.

Senator CURTIS. Do you think that these many, many cases of harrassment and property damage was worked as whole plan on the community by someone?

Mr. WILLIAMS. Well, I think somebody had to know who the people were. Somebody had to be telling somebody who the people were that were Kohler workers and Kohler strikers so they would be able to separate out, because it never happened to a Kohler striker. It always happened to a Kohler worker.

Somebody had to know.

Senator CURTIS. And the offenses would be somewhat similar?

Mr. WILLIAMS. They followed a pretty close pattern.

Senator CURTIS. So it looked like a pattern, a design, of carrying on the struggle there at Kohler by engaging in these acts, did it?

Mr. WILLIAMS. It just looked as though they were trying to give everybody a visit of one kind or another.

(At this point, Senator Goldwater withdrew from the hearing room.)

Senator CURTIS. And you live in the country?

Mr. WILLIAMS. I live in a little village, away from Kohler.

Senator CURTIS. Did you report to any officer?

Mr. WILLIAMS. Yes. We called the sheriff's department right away when I discovered the damage.

Senator CURTIS. What did they do to you?

Mr. WILLIAMS. They sent a deputy right away and the sheriff and a group of either 3 or 4 men, they came also.

Senator CURTIS. There were never any arrests made?

Mr. WILLIAMS. Never any arrests made.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. This campaign of vandalism and annoyance, harassment, did you know whether it deterred anybody from going back to work?

Mr. WILLIAMS. Yes. It is something that just made them mad. I don't think it ever stopped anybody. They just got mad and went anyway.

The CHAIRMAN. That is what I wanted to determine, whether it actually had the intended effect, or whether it had the reverse effect of that intended.

Mr. WILLIAMS. Not anybody that I ever knew.

The CHAIRMAN. You don't know of anybody they were able to frighten away?

Mr. WILLIAMS. No.

The CHAIRMAN. Do you think it rather irritated them to where they were determined to go on back to work?

Mr. WILLIAMS. That is right.

The CHAIRMAN. Is that the way you felt about it?

Mr. WILLIAMS. That is the way I felt about it. I got mad. That night when the sheriff came with a group of men, I thought maybe it was somebody coming to call on me, to say "Look, it happened to you, so maybe you better not go back to work."

I almost met him at the door with a gun, but I am glad I didn't. He might not have looked at it just right.

The CHAIRMAN. He might not have looked at it just right. I wondered what effect this had on the people that wanted to return to work, that were willing to work. I think it had just the opposite effect of what it was intended to have.

Mr. WILLIAMS. That is my belief.

The CHAIRMAN. It had an opposite effect on you?

Mr. WILLIAMS. That is right.

The CHAIRMAN. Thank you very much.

Mr. RAUH. Mr. Chairman, would you please put these questions to the witness, sir:

(The document was handed to the committee.)

The CHAIRMAN. Do you know William Bonanse?

Mr. WILLIAMS. No.

The CHAIRMAN. Bonanse? Do you know him?

Mr. WILLIAMS. No.

The CHAIRMAN. Did you ever hear of him?

Mr. WILLIAMS. Yes. I have heard of him.

The CHAIRMAN. Do you know him personally?

Mr. WILLIAMS. No.

The CHAIRMAN. Didn't you know that he threw some paint on a striker's car?

Mr. WILLIAMS. Just what I read in the papers.

The CHAIRMAN. You read in the papers that he did?

Mr. WILLIAMS. That is right.

But that is not my personal knowledge. I do not know the man. I do not know any of the circumstances.

The CHAIRMAN. You had heard of him?

Mr. WILLIAMS. I had heard of him, sir, sure.

The CHAIRMAN. And that he had thrown some stuff on a striker's car?

Mr. WILLIAMS. That is right.

The CHAIRMAN. All right.

Is there anything further?

If not, thank you. Call the next witness.

Mr. KENNEDY. Conrad Holling.

(At this point, the following members of the committee were present: Senators McClellan and Curtis.)

The CHAIRMAN. Do you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HOLLING. I do.

TESTIMONY OF CONRAD HOLLING, ACCOMPANIED BY JOSEPH L. RAUH, JR., COUNSEL

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. HOLLING. My name is Conrad Holling. I live at 1715A Indiana Avenue. I am a Kohler striker, now employed at the Empire Petroleum Co. in Sheboygan, Wis.

The CHAIRMAN. All right, sir.

Mr. Rauh, you represent the witness, do you?

Mr. RAUH. Yes, sir.

The CHAIRMAN. We will let the record so show. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Holling, you worked at the Kohler Co.?

Mr. HOLLING. Yes, I did.

Mr. KENNEDY. From what period of time?

Mr. HOLLING. From the fall of 1949 to the time the strike started.

Mr. KENNEDY. Were you a member of the KWA?

That is, the Kohler Workers Association?

Mr. HOLLING. I can't remember that off hand. I might have been, and then I later joined the UAW.

Mr. KENNEDY. Did you join the UAW?

Mr. HOLLING. Yes, I did.

Mr. KENNEDY. Where were you working at the time you joined?

Mr. HOLLING. In the ground-coating division of the enamel shop.

Mr. KENNEDY. And you felt the UAW could assist you or help you?

Mr. HOLLING. Yes.

Mr. KENNEDY. Did you join the pickets?

Mr. HOLLING. Yes, I did.

Mr. KENNEDY. You joined pickets outside the plant, marching up and down?

Mr. HOLLING. Yes, I did.

Mr. KENNEDY. Who were you taking your instructions from at that time?

Mr. HOLLING. I didn't have any instructions at all. I just joined the line by myself. I saw the line and walked in with it.

Mr. KENNEDY. For what reason did you do that?

Mr. HOLLING. For better working conditions in the plant and I felt in later life if my children wanted to go there, I felt it was a good way to improve conditions for them when they wanted to go to work, when they were old enough.

Mr. KENNEDY. You felt conditions in the enamel plant were not satisfactory?

Mr. HOLLING. Right.

Mr. KENNEDY. Did you ever have any damage done, or did you have any threats or telephone calls?

Mr. HOLLING. I have never had any threats, but my car was paint-bombed as it stood out in front of my house one night.

Mr. KENNEDY. Would you tell what happened?

Mr. HOLLING. During night or early morning of October 9, my car was paint-bombed, and I first found out about it when my son left to go to Sunday school in the morning.

As he went outside to leave for Sunday school he came back up and he said that there was also paint over the left side of my car, and as soon as I found that out I called the police department and they sent up an officer.

Mr. KENNEDY. What happened? Did they make an investigation?

Mr. HOLLING. He did.

Mr. KENNEDY. Was anybody ever arrested in connection with it?

Mr. HOLLING. Yes, there was.

Mr. KENNEDY. Who was arrested?

Mr. HOLLING. A Mr. Bonanse was arrested later on.

Mr. KENNEDY. Would you tell what happened when they found out about this Bonanse? Had he paint-bombed your car and another car?

Mr. HOLLING. Yes, I believe it was that same night he had paint-bombed another car, and it was the information from that other fellow that led to the apprehension of Mr. Bonanse.

Mr. KENNEDY. That was another striker's car?

Mr. HOLLING. No, it was not. It was a commercial fisherman in Sheboygan.

Mr. KENNEDY. He paint-bombed the two cars?

Mr. HOLLING. Yes, sir.

Mr. KENNEDY. He was tried in the municipal court and found guilty, was he?

Mr. HOLLING. Yes, he was.

Mr. KENNEDY. And he paid the costs and damages?

Hr. HOLLING. He did.

Mr. KENNEDY. Mr. Bonanse, as I understand it, testified that the reason he threw the paint on your automobile was the fact that you made a gesture or a statement to him regarding his brother, who had just died, when he came through the picket line.

Mr. HOLLING. I don't think I would ever do that, because in my own family I had two deaths, my mother and family, and I felt in my own mind that I knew what I had gone through, and it would be very foolish and unwise, I mean, to do something like that to him, because I knew what he was going through.

Mr. KENNEDY. He made a statement to the effect that when he came through the picket line, you held kind of a noose up, and indicated by a noose, that his brother had died and he would die.

Mr. HOLLING. No, I have never done that.

Mr. KENNEDY. You never did anything like that?

Mr. HOLLING. No, sir.

Mr. KENNEDY. Do you remember his coming through the picket line?

Mr. HOLLING. Yes, I do.

Mr. KENNEDY. Did you say anything to him?

Mr. HOLLING. I called him a scab and told him he should stay home.

Mr. KENNEDY. But you never said anything about his brother?

Mr. HOLLING. No, sir; I did not.

Mr. KENNEDY. Do you swear to that under oath, that you never made any statement about his brother?

Mr. HOLLING. I do. I never made no statement about his brother.

Mr. KENNEDY. Did you know him personally?

Mr. HOLLING. No, I did not.

Mr. KENNEDY. You did not?

Mr. HOLLING. No.

Mr. KENNEDY. Did your families attend the same church?

Mr. HOLLING. His wife and daughter went to church that I did, yes.

Mr. KENNEDY. And you remained on the picket line during the period of the mass picketing?

Mr. HOLLING. Yes.

Mr. KENNEDY. Did you ever stop any nonstrikers from coming through the picket line?

Mr. HOLLING. No, I did not.

Mr. KENNEDY. Were there any instructions to stop them?

Mr. HOLLING. No.

Mr. KENNEDY. You were aware of the fact that nonstrikers were unable to get through the picket line?

Mr. HOLLING. That I was aware of, yes.

Mr. KENNEDY. Did you participate in that?

Mr. HOLLING. Well, I was walking in the picket line at that time, yes.

Mr. KENNEDY. What was the feeling amongst the people, the pickets, as far as having these people come to work?

Mr. HOLLING. Well, they felt that they shouldn't be let in, because they were fighting for a cause which in time would benefit both the fellows on the picket line and the fellows that were trying to get in to work.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. If a fellow called you a scab, would you resent it?

Mr. HOLLING. I believe I would.

The CHAIRMAN. Do you think Bonanse had the right to resent your calling him one?

Mr. HOLLING. I imagine so.

The CHAIRMAN. So he was under a little bit of provocation, was he not, from you?

Mr. HOLLING. Do you mean——

The CHAIRMAN. You called him a scab, you said.

Mr. HOLLING. Well, I believe in the testimony in the trial, he said that he never had an argument the night he had thrown the paint on my car at all.

The CHAIRMAN. There is something in here about some reference to his brother, and his hanging himself with a rope around his neck. You say you didn't say that to him?

Mr. HOLLING. I never did, no, sir.

The CHAIRMAN. But you said you called him a scab.

Mr. HOLLING. That I did, yes, sir.

The CHAIRMAN. I asked you if you would resent being called one and you said you thought you would. I just thought it might also cause resentment in others to be called names like that.

Mr. HOLLING. It may.

The CHAIRMAN. That is the purpose of calling them that, to make them mad, to make them resent it, wasn't it, that is why you called them names, to insult them.

What other purpose is there to calling them names, except to insult them, to offend them? Can you think of any other purpose?

Mr. HOLLING. None that I can think of.

The CHAIRMAN. All right. Are there any questions?

Senator Curtis.

Senator CURTIS. How many times did you call him a scab?

Mr. HOLLING. I couldn't recollect. I can't recall how many times.

Senator CURTIS. More than once?

Mr. HOLLING. Yes.

Senator CURTIS. How many times? About how many times?

Mr. HOLLING. Roughly I couldn't even name a number.

Senator CURTIS. Did it happen on more than one day?

Mr. HOLLING. No. Just the day while I was picketing and he came out of the plant. That was the only time.

Senator CURTIS. But it happened several times?

Mr. HOLLING. Yes.

Senator CURTIS. Did you say anything else to him besides calling him a scab?

Mr. HOLLING. No, sir, I did not.

Senator CURTIS. No other names of any kind?

Mr. HOLLING. No, sir.

Senator CURTIS. No threats?

Mr. HOLLING. No threats whatsoever.

Senator CURTIS. And there was a conviction in this case?

Mr. HOLLING. There was.

Senator CURTIS. Was there any other conviction?

Mr. HOLLING. In which way do you mean that question sir?

Senator CURTIS. Any of these offenses. I am delighted to know that in at least one instance they enforced the law there. Destruction of people's cars should not be tolerated by anyone for any reason.

Mr. HOLLING. That is the only one that I know of, sir.

Senator CURTIS. I have before me here what appears to be a statement signed by William Peter Bonanse, given to the Sheboygan Police Department on October 9, 1955, at 10 a. m.

Mr. RAUH. Mr. Chairman, on the basis of your ruling earlier, this is a statement not under oath, which we were prevented from putting in this morning.

The CHAIRMAN. Is the statement not sworn to?

Senator CURTIS. No.

The CHAIRMAN. The statement may not be put in the record, but he may use the statement to interrogate this witness, to ask him if the statements in there are true or not true.

Mr. RAUH. It is simply going to put the record in that way, which we were blocked from doing this morning.

The CHAIRMAN. I don't think you will be. The questions were asked the witness. You wanted to put the statement in the record. I am not going to permit this one to go into the record if it is not sworn to. But he is cross-examining a witness, and he has the right to ask the witness. I didn't have the statement of Mr. Bonanse here, and I asked the question of you when submitting it.

Mr. RAUH. Mr. Bonanse has been here, he has been interrogated, and he was sent home. I think Mr. Bonanse ought to be here.

The CHAIRMAN. Maybe you think so. I can't have everybody here all at once. Let us proceed.

Senator CURTIS. The first paragraph recites who he is, and then that he is making this statement before the police department. Then it goes on and says:

I had been in an argument with my wife that day and drank very much during the day and evening. I don't know what gave me the idea then but I got paint from home and threw it at these cars. These fellows gave me a hard time. I was mad at Royal's because they attempted to hit me and said let's kill him. We had been friends for 20 years. This man Holling called me a lot of names and insults. I did this between the hours of 11 and 2 a. m. I did not at any other time ever do any vandalism of any kind at any other time.

It is signed William Peter Bonanse.

The CHAIRMAN. That is a statement of counsel. That is not evidence. That is the only way the Chair can handle it.

Senator CURTIS. Am I in violation of the rules, Mr. Chairman?

The CHAIRMAN. No, sir. I am simply stating that you can read a statement if you care to and ask the witness any questions about it, but the statement that you read is not evidence. It is a statement of information that you have. If we are going to just take all the statements and put them into the record, we will not have a very intelligent record. I am simply trying to keep it in its proper perspective and keep as much of the hearsay evidence out as we can.

Senator CURTIS. Mr. Chairman, I do not think this is any different than we have followed throughout the months of hearings.

The CHAIRMAN. If you want to overrule the Chair, I am ready to be overruled. I am just going to do it the best I know how.

Senator CURTIS. No. I think there have been a number of things received here all through the months, and there has been considerable latitude on it. All I want to do is ask the witness——

The CHAIRMAN. Ask him about those things. Tell him you have information to that effect, that you have a statement before you that says so and so, and ask him about it. That is perfectly all right. You do not have to have it under oath to say "I have information." You can say "I have information in a statement that a fellow said so and so." But what the man said in the statement is not evidence before this committee. That is the only distinction the Chair is trying to make. I believe I am right about it.

Senator CURTIS. I have no quarrel with that at all.

The CHAIRMAN. All right.

Senator CURTIS. What time, day or night, did this happen to your car?

Mr. HOLLING. Well, I had gone over to the church that I go to. We have a bowling alley. That night it was my night to work in the hall, or take care of the bowling alleys, I had left the house at 7 o'clock at night, and I had locked up the bowling alley around 11 o'clock at night to come home, which is a block or roughly two blocks away from my home. At that time, 11 o'clock, I did not notice nothing wrong with my car, until my son had left the house to go to Sunday school at a quarter to 9 in the morning.

Senator CURTIS. It did take place, then, between 11 and 2 probably?

Mr. HOLLING. Yes.

Senator CURTIS. He said that you called him a lot of names and insults, and your version of that is that you called him a scab more than once?

Mr. HOLLING. Yes, that is right.

Senator CURTIS. So there is just that much variation between the account of the two of you with regard to what happened?

Mr. HOLLING. If he means by violent, I mean vile language, I have never used that in my life. I can swear to that.

Senator CURTIS. He says here:

This man Holling called me a lot of names and insults.

Your recollection of that is that you just called him a scab?

Mr. HOLLING. That is right, sir.

Senator CURTIS. That is all, Mr. Chairman.

Mr. RAUH. Mr. Chairman, I do not want to be accused of coaching the witness. Would you ask him whether Mr. Bonanse, who was convicted of this paint bombing of his car, is still working at Kohler, please?

The CHAIRMAN. Yes, sir. It is perfectly all right to know it.

Is he still working at Kohler?

Mr. HOLLING. Yes, he is.

The CHAIRMAN. Has he testified already?

Mr. KENNEDY. No.

The CHAIRMAN. I understand he is here.

Is that correct?

Mr. KENNEDY. He might be.

The CHAIRMAN. Well, all right. Call the next witness.

Mr. KENNEDY. Peter Breu.

(At this point, the following members were present: Senators McClellan and Curtis.)

The CHAIRMAN. Do you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BREU. I do.

TESTIMONY OF PETER BREU

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. BREU. My name is Peter Breu. I live at 1546 Johns Court, Sheboygan. I work for the Kohler Co., in the pottery division.

The CHAIRMAN. How long have you worked for the Kohler Co.?

Mr. BREU. About 30 years.
The CHAIRMAN. How long?
Mr. BREU. Thirty years.
The CHAIRMAN. Thirty years?
Mr. BREU. Yes.
The CHAIRMAN. Do you waive counsel?
Mr. BREU. I do.
The CHAIRMAN. All right, Mr. Kennedy.
Mr. KENNEDY. Mr. Breu, did you join the UAW?
Mr. BREU. No.
Mr. KENNEDY. You felt that you did not want to join up with them?
Mr. BREU. That is right.
Mr. KENNEDY. Is that correct?
Mr. BREU. Yes.
Mr. KENNEDY. When they went on strike, you did not support the strike?
Mr. BREU. No.
Mr. KENNEDY. And after the mass picketing ended, you came back to work?
Mr. BREU. Yes; then I come back to work.
Mr. KENNEDY. And did you receive telephone calls after you came back to work?
Mr. BREU. We did.
Mr. KENNEDY. What would they say in the telephone calls?
Mr. BREU. Well, that said "scab" or something and then they hung up.
Mr. KENNEDY. What?
Mr. BREU. They said names, scab or something, and then didn't say nothing and just hung up.
Mr. KENNEDY. Sometimes they would say nothing and sometimes they would call you scab; is that right?
Mr. BREU. That is right.
Mr. KENNEDY. Did you continue to work?
That didn't frighten you away from working?
Mr. BREU. No.
Mr. KENNEDY. You continued to go to work?
Mr. BREU. Yes.
Mr. KENNEDY. Did you receive damage to your home?
Mr. BREU. Was that on December 30, approximately, 1954?
Mr. KENNEDY. There was a light bulb filled with white paint that was thrown into your living room?
Mr. BREU. Yes.
Mr. KENNEDY. Came through the window?
Mr. BREU. Yes.
Mr. KENNEDY. And white paint splattered all over the living room on the new rug?
Mr. BREU. Yes.
Mr. KENNEDY. And on a davenport and chair; is that right?
Mr. BREU. Yes.
Mr. KENNEDY. How much was the damage that was done?
Mr. BREU. I don't know exactly, but I think it was around $400.
Mr. KENNEDY. And was that insured?

Mr. BREU. Well, partly. I had insurance, and I called up my insurance agent and he called me back, and he said I was not covered for that. So I went to the Kohler Co., and I showed them my policy and they said I should go back to my agent again, and maybe I should collect on this.

Mr. KENNEDY. What happened finally?

Mr. BREU. Later they sent me a release for a certain amount of money.

Mr. KENNEDY. How much did you get from the insurance company?

Mr. BREU. I can't remember.

Mr. KENNEDY. But you did collect from the insurance company?

Mr. BREU. Yes.

Mr. KENNEDY. You think it was about $400?

Mr. BREU. I don't know how much I collected from the insurance company.

Mr. KENNEDY. Did you receive anything from the Kohler Co.?

Mr. BREU. Yes, sir.

Mr. KENNEDY. How much did you receive from them?

Mr. BREU. The balance of what the damage amounted to.

Mr. KENNEDY. You don't know how much you received from them?

Mr. BREU. No.

Mr. KENNEDY. And were there also home demonstrations that took place at your home?

Mr. BREU. Yes; there was.

Mr. KENNEDY. Could you tell the committee about what happened there?

Mr. BREU. That started on a Monday, but I came home from work and there were about 8 or 10 standing across the street. They shouted at me until I was in the house. Then on Tuesday, there were more. I could not say the exact figure, but there were still more, maybe about 30 or 35.

Thursday and Friday there was—I don't know because I did not go home and I went to a friend's house, and I called home because they left around 6:30 and I went home at that time.

Mr. KENNEDY. How many were out there then?

Mr. BREU. We looked at the block and it was filled. There were maybe 400 there.

Mr. KENNEDY. What were they saying?

Mr. BREU. Shouting names like "scab," or something like that.

Mr. KENNEDY. Were there strikers there?

Mr. BREU. There was; yes.

Mr. KENNEDY. Also some of your neighbors?

Mr. BREU. Yes, sir.

Mr. KENNEDY. And some women and children?

Mr. BREU. Yes, sir.

Mr. KENNEDY. Was there great bitterness in Sheboygan because of the strike?

Mr. BREU. I would think so; yes, sir.

Mr. KENNEDY. Great bitterness between strikers and nonstrikers?

Mr. BREU. Yes, sir.

Mr. KENNEDY. Was anybody ever arrested in connection with the paint bombing of your home?

Mr. BREU. No.

Mr. KENNEDY. Did you report it to the police department?

Mr. BREU. Yes, sir.

Mr. KENNEDY. And the police department, were they ever able to solve it?

Mr. BREU. No.

Mr. KENNEDY. They were not?

Mr. BREU. No.

Mr. KENNEDY. Do you feel that it grew out of the strike, the paint bombing?

Mr. BREU. Personally, I would say, "Yes."

Mr. KENNEDY. And because of this feeling between the strikers and the nonstrikers?

Mr. BREU. I would think so; yes.

Mr. KENNEDY. Did anything else ever happen to you?

Mr. BREU. Not that I can think of at the moment.

Mr. KENNEDY. You had an incident as I understand it, where even a bartender would not take some money.

Mr. BREU. Oh, yes; that is right. That was a Sunday. I was in a tavern with a friend of mine for a glass of beer. The bartender would not give us a drink.

Mr. KENNEDY. He would not what?

Mr. BREU. The bartender said, "He is a scab, and I don't serve no drinks to scabs." And I was with a friend of mine who does not work for Kohler, and he said, "This is a public place, we should get a drink."

So finally he did give us a drink and I paid for it and it was 20 cents, there was another fellow in there, and he said, "I know him, he is a scab," he says, and he said I should come outside with him, but that is all what happened there. I paid for two beers and then we walked out.

And the same night around midnight, the owner from the place came up to my house, and he woke my wife up, I was sleeping and I could not hear anything and he said he wanted to see me, and he told my wife and so my wife woke me up, and so I went to the porch. And he said, "You were in my place at noon, and you spent 20 cents." And I said, "Yes." Then he said, "Here is your 20 cents."

So I took the money and he said he does not take no scab money.

Mr. KENNEDY. So you went into the bar and ultimately you got him to accept the 20 cents, and serve you beer?

Mr. BREU. That was his bartender, and the owner himself brought the money back.

Mr. KENNEDY. The owner was not there?

Mr. BREU. No.

Mr. KENNEDY. The bartender would not serve you originally, because of the fact he felt you were a scab, and then the owner of the bar brought the 20 cents back that night?

Mr. BREU. That is right.

Mr. KENNEDY. Is that an indication of the bitterness that existed in Sheboygan?

Mr. BREU. Yes, sir.

Mr. KENNEDY. Between those who were strikers and those who were not?

Mr. BREU. Yes, sir.

The CHAIRMAN. You got a free drink because you were a scab, is that what it amounts to?

Mr. BREU. Yes, sir.

The CHAIRMAN. Is that what it adds up to?

Mr. BREU. Yes.

The CHAIRMAN. You got your money back, didn't you?

Mr. BREU. I did.

The CHAIRMAN. He did not get the drink back, did he?

Mr. BREU. No.

The CHAIRMAN. I present to you some pictures, and I will ask you to examine them and state if you identify them.

(Document was handed to the witness.)

The CHAIRMAN. Do you identify those pictures as pictures of the damage at your home?

Mr. BREU. I do.

The CHAIRMAN. They may be made exhibit No. 38.

(Document referred to was marked "Exhibit No. 38," for reference and may be found in the files of the select committee.)

The CHAIRMAN. All right, are there any questions?

Senator CURTIS. I have a question, Mr. Chairman.

Mr. Breu, you have some neighbors who also worked at Kohler?

Mr. BREU. That is right.

Senator CURTIS. Was that a Mr. Kepler or Kopler?

Mr. BREU. That is my neighbor on the north.

Senator CURTIS. And a Mr. Maxie?

Mr. BREU. Maxie; yes.

Senator CURTIS. Were they strikers?

Mr. BREU. No.

Senator CURTIS. Did they have any damage done to their home?

Mr. BREU. Yes, sir.

Senator CURTIS. Was it about the same time as yours?

Mr. BREU. The same night, yes.

Senator CURTIS. Were there demonstrations carried on on your street, home demonstrations, too?

Mr. BREU. Yes.

Senator CURTIS. Well, now, you were asked about the bitterness and the feeling that existed there. Was this bitterness existing to such an extent that you nonstrikers, did you go out and conduct home demonstrations in front of strikers' homes?

Mr. BREU. No, I don't think so.

Senator CURTIS. Did you or any of the other nonstrikers that you know of damage people's homes and throw paint bombs?

Mr. BREU. No, sir.

Senator CURTIS. So in testifying that there was bitterness there, you do not mean to imply that the bitterness was an excuse for the vandalism that went on, do you?

Mr. BREU. No.

Senator CURTIS. Now, do you know a Walter Meyer?

Mr. BREU. I do.

Senator CURTIS. Did he come by as you were painting the outside of your house at one time?

Mr. BREU. Yes.

Senator CURTIS. Tell us what happened.

Mr. BREU. I was painting, it was on a Sunday I believe, and he was, I would say, about 100 feet down the road, and he hollered at me names and then he said, "You will have to paint it over again anyhow." That is what he said.

Senator CURTIS. This man, Meyer, that you spoke of, where does he work or where did he work?

Mr. BREU. He worked at Kohler.

Senator CURTIS. Was he out on strike?

Mr. BREU. Yes, sir.

Senator CURTIS. As you were out there painting on the side of your house he called you names?

Mr. BREU. Yes, sir.

Senator CURTIS. As a scab?

Mr. BREU. Yes, and he said, "You have yellow streaks all over you, and you have to paint it over anyhow again." And what he meant by that, I don't know, but that is what he said.

Senator CURTIS. You got telephone calls, too?

Mr. BREU. We did, yes.

Senator CURTIS. Was this a disturbing factor in your family, so far as your wife and children were concerned?

Mr. BREU. It was.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. All right, call the next witness.

Thank you sir.

Mr. KENNEDY. Mrs. Pladson.

The CHAIRMAN. You do solemnly swear that the evidence given before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. PLADSON. I do.

TESTIMONY OF MRS. OLE T. PLADSON

The CHAIRMAN. State your name and your place of residence and your occupation.

Mrs. PLADSON. My name is Mrs. Ole T. Pladson and I live at 1321 North Ninth Street, Sheboygan, and I am employed at Freddies, Inc.

The CHAIRMAN. You are not working for the Kohler Co.?

Mrs. PLADSON. I have never been employed by the Kohler Co.

The CHAIRMAN. You have never been employed by Kohler Co.?

Mrs. PLADSON. No.

The CHAIRMAN. All right, you waive counsel, do you?

Mrs. PLADSON. Yes, sir.

The CHAIRMAN. All right.

Mr. KENNEDY. Mrs. Pladson, your husband was an employee of the Kohler Co.?

Mrs. PLADSON. Yes, sir.

Mr. KENNEDY. And he was an employee there from 1939, approximately?

Mrs. PLADSON. Approximately, it was after that.

Mr. KENNEDY. Was he an employee at the time that the UAW went out on strike?

Mrs. PLADSON. Yes, sir.

Mr. KENNEDY. He was there employed at that time?

Mrs. PLADSON. Yes, sir.
Mr. KENNEDY. Did he join the UAW?
Mrs. PLADSON. Not to my knowledge.
Mr. KENNEDY. He did not support the strike?
Mrs. PLADSON. No.
Mr. KENNEDY. He went to work, went back to work after the mass picketing ended?
Mrs. PLADSON. After a couple of months, yes.
Mr. KENNEDY. After he went back to work, did you receive any telephone calls?
Mrs. PLADSON. Yes, we did.
Mr. KENNEDY. And what would they say in the telephone calls?
Mrs. PLADSON. "Scab," or else they would just hang up.
Mr. KENNEDY. Just call and hang up?
Mrs. PLADSON. Yes, sir.
Mr. KENNEDY. Would they come at all hours?
Mrs. PLADSON. Yes, sir.
Mr. KENNEDY. Early in the morning?
Mrs. PLADSON. Yes, sir.
Mr. KENNEDY. And did you find them very annoying?
Mrs. PLADSON. Yes, they were.
Mr. KENNEDY. And they continued for what period of time?
Mrs. PLADSON. Beg pardon?
Mr. KENNEDY. They continued for what period of time?
Mrs. PLADSON. For several months.
Mr. KENNEDY. Now, did you have some damage done to your home?
Mrs. PLADSON. Yes, we did.
Mr. KENNEDY. Would you relate what happened?
Mrs. PLADSON. My youngest daughter, Joan, and I were home and my husband worked 11 to 7 a. m.
Senator CURTIS. I cannot hear the lady.
Mr. KENNEDY. It was about 7 o'clock in the morning of November 23, 1954.
Mrs. PLADSON. My husband was on the shift from 11 until 7 a. m.
Mr. KENNEDY. Your husband was not present?
Mrs. PLADSON. No.
Mr. KENNEDY. You were upstairs?
Mrs. PLADSON. Yes, sir. My youngest daughter, Joan, and myself were home alone.
Mr. KENNEDY. Your daughter Joan and yourself were home alone?
Mrs. PLADSON. Yes, sir, and she got up about 7 o'clock in the morning to attend high school, and she went downstairs and discovered that we had been paint bombed and she came back upstairs crying to me and, well, we notified the police department and we called the Kohler Co. and reported this.
Mr. KENNEDY. A paint bomb had been thrown into your home?
Mrs. PLADSON. Yes, sir; there had been 3 paint bombs and 3 rocks.
Mr. KENNEDY. And did it cover your living room?
Mrs. PLADSON. Yes, sir.
Mr. KENNEDY. With paint?
Mrs. PLADSON. Yes, and a portion of the dining room.
Mr. KENNEDY. And it went all over your drapery?
Mrs. PLADSON. That is right.
Mr. KENNEDY. Your couch and your rugs?

Mrs. PLADSON. Right.
Mr. KENNEDY. And your walls?
Mrs. PLADSON. Definitely.
Mr. KENNEDY. And even the school books of your children?
Mrs. PLADSON. That is right.
Mr. KENNEDY. That was yellow paint?
Mrs. PLADSON. Black enamel, green, and yellow paint.
Mr. KENNEDY. Three different kinds?
Mrs. PLADSON. That is right.
Mr. KENNEDY. And your neighbor's house was also splattered with some of this paint?
Mrs. PLADSON. Yes, it was.
Mr. KENNEDY. You were not awakened by the paint bomb being thrown and you were not awakened by the rocks being thrown in?
Mrs. PLADSON. No; I was not.
Mr. KENNEDY. You reported it to the police?
Mrs. PLADSON. Yes, sir.
Mr. KENNEDY. And did you have insurance?
Mrs. PLADSON. We thought we had, but when we contacted our insurance man, he informed us that that particular insurance company had discontinued vandalism insurance just a month before this happened.
Mr. KENNEDY. So you did not collect from the insurance company?
Mrs. PLADSON. No.
Mr. KENNEDY. The Kohler Co. paid you?
Mrs. PLADSON. We were reimbursed by the Kohler Co.
Mr. KENNEDY. How much was that?
Mrs. PLADSON. Approximately $500.
Mr. KENNEDY. Did you ever find out who was responsible?
Mrs. PLADSON. No, sir.
Mr. KENNEDY. Did the police department ever find out who was responsible?
Mrs. PLADSON. No, sir.
Mr. KENNEDY. Nobody was arrested in connection with it?
Mrs. PLADSON. No, sir.
Mr. KENNEDY. Did you feel that it arose out of the strike at the Kohler Co.?
Mrs. PLADSON. Yes, I do.
Mr. KENNEDY. Excuse me?
Mrs. PLADSON. Yes, I surely do.
Mr. KENNEDY. You did not have any trouble like this before?
Mrs. PLADSON. I have never had any trouble.
Mr. KENNEDY. And you did not have any enemies that would have done it?
Mrs. PLADSON. No, sir.
Mr. KENNEDY. You feel it arose out of that?
Mrs. PLADSON. Yes.
Mr. KENNEDY. Was there great bitterness between the strikers and the nonstrikers?
Mrs. PLADSON. Yes, sir.
Mr. KENNEDY. Did you have anything else happen to you?
Mrs. PLADSON. No.
The CHAIRMAN. Did your husband continue working after this violence to your home?

Mrs. PLADSON. Yes, he did.

The CHAIRMAN. Had you had any threats prior to the violence, any warning?

Mrs. PLADSON. Just the telephone calls.

The CHAIRMAN. Just telephone calls?

Mrs. PLADSON. Yes, sir.

The CHAIRMAN. You do not know whether he had had any threats or not, personally, while he was working?

Mrs. PLADSON. Well, yes, I guess he had, on the line, and I don't know.

The CHAIRMAN. You mean from the picket line?

Mrs. PLADSON. That is right.

The CHAIRMAN. Well, had you anticipated or were you apprehensive that something like this might happen?

Mrs. PLADSON. No, I certainly was not.

The CHAIRMAN. It was all unexpected to you?

Mrs. PLADSON. It surely was.

The CHAIRMAN. You could not believe it had happened to you?

Mrs. PLADSON. No, I just could not.

The CHAIRMAN. Did you know prior to this it had been happening to some of your neighbors and some of the other workers?

Mrs. PLADSON. Yes; I knew of it happening to a lot of people but I didn't think it would happen to me.

The CHAIRMAN. You just did not think it would happen to you?

Mrs. PLADSON. No.

The CHAIRMAN. I hand you a series of pictures and I will ask you to examine them and state if you identify them.

(Documents were handed to the witness.)

The CHAIRMAN. Are those all pictures of your home, showing the damage that was caused by the paint bombing of it?

Mrs. PLADSON. Yes, sir; they are and the neighbor's house which was splashed on.

The CHAIRMAN. They may be made exhibit No. 39.

(The pictures referred to were marked "Exhibit No. 39" for reference and may be found in the files of the select committee.)

The CHAIRMAN. They will be lettered for identification. All right, is there anything further you wish to say, or do you have any other information you can give us?

Mrs. PLADSON. No, sir.

The CHAIRMAN. Your husband is still working for Kohler?

Mrs. PLADSON. Yes, he is.

The CHAIRMAN. All right.

Senator CURTIS. Over how long a period of time were you harassed by telephone calls?

Mrs. PLADSON. Well, it was for several months.

Senator CURTIS. For several months?

Mrs. PLADSON. That is right.

Senator CURTIS. Were most of these calls at night?

Mrs. PLADSON. They were at night because we were both employed and there wasn't anybody home during the day, so they would have to be at night.

Senator CURTIS. Did your husband have to work a night shaft sometimes, too?

Mrs. PLADSON. He worked three shifts.

Senator CURTIS. And these calls would come at times that you would answer and sometimes he would answer?

Mrs. PLADSON. That is right.

Senator CURTIS. It lasted several months?

Mrs. PLADSON. I would say so.

Senator CURTIS. How many children do you have?

Mr. PLADSON. Well, I have 4, with only 1 home at the time.

Senator CURTIS. And that was the daughter that you mentioned that reported to you of the bombing?

Mrs. PLADSON. Yes, sir.

Senator CURTIS. Do you know of anyone else, and you do not need to name them but I want to know if you know of other cases where they were molested by telephone calls and throwing of paint in their house.

Mrs. PLADSON. Yes, sir; I do.

Senator CURTIS. The people who were the victims of these acts, were they strikers or nonstrikers?

Mrs. PLADSON. Nonstrikers.

Senator CURTIS. Among the nonstrikers that you know of, did any of them go out and conduct home demonstrations or commit vandalism?

Mrs. PLADSON. No.

Senator CURTIS. But the damage seemed in the great majority of the cases to occur to nonstrikers?

Mrs. PLADSON. Yes.

Senator CURTIS. Was there any similarity in the containers, whether it was light bundles or cans or jars or what not that this paint would be in, in the different acts that would be committed?

Mrs. PLADSON. Mine happened to be light bundles when it happened to me.

Senator CURTIS. That happened in some other cases; did it not?

Mrs. PLADSON. Yes; it did.

Senator CURTIS. So far as you know, the police never found out the common source of those light bundles and the paint; did they?

Mrs. PLADSON. Not to my knowledge. I never heard of anyone who found it.

Senator CURTIS. Was there a feeling in the community that the police were giving ample protection to the nonstrikers?

Mrs. PLADSON. Well, I think they were doing their utmost to protect everyone that they could.

Senator CURTIS. That is all.

The CHAIRMAN. Are there any other questions?

All right, the committee will stand in recess until 2 o'clock.

(Whereupon, at 12:10 p. m. the hearing recessed to reconvene at 2 p. m. of the same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were: Senators McClellan, McNamara, Goldwater, Mundt and Curtis.)

Mr. CONGER. May I make a statement at this time, Mr. Chairman?

The CHAIRMAN. All right, Mr. Conger.

Mr. CONGER. This morning, Mr. Chairman, a very serious charge was leveled at the Kohler Co., in that it was charged with a perpetration of a hoax. I have checked into that, and I want to state that that charge in itself is a deliberate attempt to perpetrate a hoax on this committee and on the American public, and to distract attention from what has come up.

The CHAIRMAN. Do you wish—I think you have been sworn as a witness. Do you wish to make that statement as a witness?

Mr. CONGER. I am now making a statement as counsel, but if Mr. Rauh in the future will be sworn to his statements that he makes before this committee, I will be glad to be.

The CHAIRMAN. The Chair was asking you for information.

Mr. CONGER. This is just a statement at the present, Mr. Chairman.

The CHAIRMAN. We will pursue the matter further as we get to it.

Mr. CONGER. The document that Mr. Rauh produced here and that he states supports those charges, and which he distributed to the press, although it has not been yet accepted by this committee, does not support the statement that he made regarding it.

The clear implication of his statement——

The CHAIRMAN. Let us try now. The Chair has no control over what either of you gentlemen wish to give to the press. If there is any statement you wish to make for the benefit of the press, you may make it, but I don't want to take up the time of this committee now just making charges and countercharges.

In the course of hearing a witness, when some statement comes up, you may feel as free as Mr. Rauh to make any suggestions or submit to us any questions you would like to have the witness asked.

The committee then can use its best discretion as to whether the question should be asked or not.

Mr. CONGER. Thank you, Mr. Chairman, and I am going to ask that the witness be called and it is possible that while he is testifying, or before he is testifying, he may want to make some statement.

The CHAIRMAN. What is the name of the witness?

Mr. CONGER. Girard Desmond, D-e-s-m-o-n-d, and I believe he was the regularly scheduled witness to be heard.

The CHAIRMAN. He probably will be called during the afternoon.

Mr. KENNEDY. I think he is going to be called right now.

The CHAIRMAN. Thank you very much. Call the first witness.

Mr. KENNEDY. Mr. Desmond.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DESMOND. Yes, sir.

TESTIMONY OF GIRARD A. DESMOND, ACCOMPANIED BY HIS COUNSEL, LYMAN C. CONGER

Mr. DESMOND. May I get some documents that I have with me?

The CHAIRMAN. Yes, you may.

Will you state your name, and your place of residence, and your business or occupation, please?

Mr. DESMOND. My name is Girard A. Desmond, and I live at 504 Valley Road, Kohler, Wis., and I am a member of the legal staff of the Kohler Co.

The CHAIRMAN. All right. I assume then, or do you have counsel present?

Mr. DESMOND. I have Mr. Conger, yes, sir.

The CHAIRMAN. You have an associate counsel present?

Mr. DESMOND. Yes, sir.

The CHAIRMAN. Let the record show that Mr. Conger appears also as counsel for the witness.

All right, Mr. Kennedy, proceed.

Mr. KENNEDY. Mr. Desmond, during the course of the strike starting on April 5, 1954, there were certain acts of vandalism that were committed in the city of Sheboygan and the surrounding area?

Mr. DESMOND. Yes, sir, there was.

Mr. KENNEDY. And these were committed by and large against people who continued to work at the Kohler plant?

Mr. DESMOND. That is right, sir.

Mr. KENNEDY. Now, when there was an act of vandalism reported, or where you had some information regarding an act of vandalism, did you make an investigation or study of that?

Mr. DESMOND. I did, sir.

Mr. KENNEDY. You or somebody under your direction, is that correct?

Mr. DESMOND. Yes, sir.

Mr. KENNEDY. And would you go out and take pictures and obtain affidavits as to what had occurred?

Mr. DESMOND. Yes. I always took affidavits, and if I was not there at the time, I had somebody else take the affidavit.

Mr. KENNEDY. Affidavits were taken?

Mr. DESMOND. Yes, sir.

Mr. KENNEDY. And where possible, pictures were also taken?

Mr. DESMOND. And in many, many of the cases of vandalism, actual photographs were taken at times.

Mr. KENNEDY. For instance, the pictures that we have been placing in the record in the hearings so far have been, as I understand it, from records that you people have taken?

Mr. DESMOND. That is correct.

Mr. KENNEDY. And so to support the affidavits that were made you had a photographer go along and take pictures of the damage, or take pictures of what had occurred; is that right?

Mr. DESMOND. That is right.

Mr. KENNEDY. In these acts of vandalism?

Mr. DESMOND. That is right.

Mr. KENNEDY. And for the most part these acts of vandalism are supported by affidavits?

Mr. DESMOND. That is right.

Mr. KENNEDY. And during the period of this strike, over the last 4-year period, there have been over 800 acts of vandalism involving individuals who were not supporting the union; is that right?

Mr. DESMOND. That is right.

Mr. KENNEDY. Their families, or people who wanted to continue to work at the plant, or their families?

Mr. DESMOND. That is right.

Mr. KENNEDY. Somebody associated with the Kohler Co.?

Mr. DESMOND. Yes, sir.

Mr. KENNEDY. And that has occurred since the beginning of the strike on April 5, 1954?

Mr. DESMOND. That is right.

Mr. KENNEDY. And you have, for submission to the committee, affidavits and the records showing these acts of vandalism over this period of time?

Mr. DESMOND. That is right.

Mr. KENNEDY. And you would like to submit those to the committee at this time?

Mr. DESMOND. I would.

The CHAIRMAN. Let the Chair understand. You have affidavits that you have taken from witnesses regarding acts of vandalism?

Mr. DESMOND. Yes, sir; and from the actual individuals themselves, Senator, those who were vandalized, affidavits were taken from them or from their wives or someone who was home at the time, when the vandalism occurred.

The CHAIRMAN. What I mean is this: They pertain to these different acts of vandalism that we have been hearing about?

Mr. DESMOND. That is right.

The CHAIRMAN. And testimony about?

Mr. DESMOND. That is right.

The CHAIRMAN. These affidavits were all either procured by you personally, or procured under your direction and supervision?

Mr. DESMOND. That is right, sir.

The CHAIRMAN. Is that correct?

Mr. DESMOND. Yes.

The CHAIRMAN. You were in charge of that part of the work representing the company, to try to make a check on those things, and to get as much information about them as you could?

Mr. DESMOND. That is right, sir.

The CHAIRMAN. You have how many affidavits?

Mr. DESMOND. Well, I don't have an actual count of them here, but I have the files that I just brought over here with me, and I think that it contains all of the eight hundred-and-some-odd that we gave to the committee. Now, I got that from the committee this morning, or rather I should say from Mr. McGovern, and I think it contains all of them, and I can't be sure.

The CHAIRMAN. Eigth hundred-and-some-odd affidavits?

Mr. DESMOND. Affidavits of violence, yes, or vandalism.

The CHAIRMAN. I am just trying to get the record straight, so I can understand it at least. Are these 800 separate acts?

Mr. DESMOND. Eight hundred separate acts, yes, sir.

The CHAIRMAN. Separate acts of vandalism?

Mr. DESMOND. Yes, sir.

The CHAIRMAN. And you have approximately the same number of affidavits?

Mr. DESMOND. That is right.

Well now I might make a correction there if I may, Senator. In some instances an affidavit was taken where several acts of vandalism were covered, and so there may not be eight hundred-and-some-odd affidavits.

The CHAIRMAN. So there may be less?

Mr. DESMOND. Yes, sir; and actual acts.

The CHAIRMAN. Now the Chair is of the opinion—and may I have the attention of the members—the Chair is of the opinion that these can be received and marked an exhibit for reference, and therefore then they may be referred to in any questioning that we want. I don't think that you would want the whole 800 affidavits printed in the record at this point.

I don't think that would be necessary. I think the better way is to receive them in bulk and make them an exhibit for reference and the staff can ascertain the number and such other information as to identify them so that they will be properly a part of the record.

Is there objection to that?

Senator MUNDT. I have no objection. I would suggest that perhaps if the witnesses desire, they might select at random 5 or 6 so-called typical affidavits, for inclusion in the printed record, and I don't think we would want to encumber the record with 800 repetitious cases.

The CHAIRMAN. I thought the witness would probably refer to some of the cases, and you may make reference to your affidavits as you testify, but I am trying to get the record in some shape here, so that they will be official from now on.

Senator CURTIS. Mr. Chairman, I have no objection to the receipt of the evidence, and I think it should be received. I also can understand that it would be quite cumbersome to print in the body of the record all of these affidavits. I wonder if it would be in order for the committee to request either the staff or the witness to submit for the record a list of these affidavits, giving the name of the person who makes the affidavit, and the particular act of violence that it relates to.

The CHAIRMAN. Do you have a list or do we have a list?

Mr. KENNEDY. I believe we have a list.

Senator CURTIS. My request is that that be printed in the record.

The CHAIRMAN. Is there objection? The Chair hears none, and the list of the affidavits may be printed in the record, and the affidavits proper will be held as exhibits for reference.

Senator CURTIS. That way we have a description of them.

The CHAIRMAN. Did some member of the staff prepare this list?

Mr. McGovern, did you prepare this list?

Mr. MCGOVERN. This was prepared by the Kohler Co.

The CHAIRMAN. You did submit a list?

Mr. DESMOND. Yes, sir.

The CHAIRMAN. And you are prepared to testify that that list is accurate, according to your best knowledge and belief?

Mr. DESMOND. That was done by a member of our staff, and as far as I know it is absolutely correct.

The CHAIRMAN. It was done under your supervision?

Mr. DESMOND. It was under my supervision. I assisted in a way, and it was under Mr. Conger's supervision.

The CHAIRMAN. To the best of your knowledge, it is accurate?

Mr. DESMOND. Yes, it is.

The CHAIRMAN. That list may be printed in the record, and the affidavits now will be filed in bulk as exhibit No. 40, and they will be available in official documents for reference for further proceedings, and of course in the course of your testimony if you desire to make

reference to any particular affidavit, or read any excerpt from it, you will be at liberty to do so.

(Documents referred to were marked "Exhibit No. 40," for reference and may be found in the files of the select committee.)

Senator GOLDWATER. I might, Mr. Chairman, say this: Do you have the entire group of affidavits and pictures with you?

Mr. DESMOND. As far as I know, Senator, I do.

Senator GOLDWATER. Where are they?

Mr. DESMOND. Right in back of me, and here also is one, too. This is one part of it.

The CHAIRMAN. I am trying to keep the record straight on it. The affidavits have been made exhibit No. 40, and a list of them now has been ordered printed in the record at this point.

Now what other documents have you?

Mr. DESMOND. None, sir.

The CHAIRMAN. So if we have the affidavits in properly, and a list of them properly, then we have all that you had in mind to present?

Mr. DESMOND. That is right.

The CHAIRMAN. Thank you.

Mr. DESMOND. If the Senator please, I might comment on some of these, if you will permit.

(The list of affidavits is as follows:)

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955

No.	Name	Affidavit date	Date of incident	Description
1	Dale Oostdyk	Apr. 8, 1954	Apr. 7, 1954	Nonstriking employee physically assaulted, kidnaped, beaten, cursed, told to join union on threat of death.
2	Herman Miesfeld	do	do	Nonstriking employee intercepted on way to work, coerced into joining union.
3	Harold Fanslau	Statement May 6, 1954	May 6, 1954	"833" painted on top of automobile; body smeared with paint.
4	Leland Dyke	Memo of telephone conversation.	May 10, 1954	Nonstriker on way to work threatened with bodily injury.
5	Otto Vogt	June 1, 1954	May 11, 1954	Valve stems cut off 2 tires.
6	Leo Bukowski	May 14, 1954	do	Stone thrown through window of home.
7	Robert Neumann	do	do	Automobile tire punctured with screw driver.
8	Arno C. Kremin	May 12, 1954	May 12, 1954	Picture window of home shattered by stone.
9	J. A. Lucynski	May 13, 1954	do	Thermopane window smashed by stone.
10	Charles Forbes	May 26, 1954 (May 24, 1954 should be May 25, 1954).	May 24, 1954	Nonstriking employee assaulted, struck on way to work.
11	Rance Rasmussen	do	do	Nonstriker assaulted, struck while walking to work.
12	Leland Dyke	May 29, 1954	do	Nonstriker assaulted; struck, kicked in groin.
13	Otto Vogt	June 1, 1954	June 1, 1954	Valve stems cut off 4 tires. (Should be 3 tires.)
14	Leander Daun	June 2, 1954	do	Valves cut off 3 tires.
15	Adam Gulan	June 16, 1954	do	Railroad spike set under automobile tire.
16	Albert Mauer	June 2, 1954	June 2, 1954	Garage door smeared with paint.
17	Harvey Roerdink	do	do	Garage door splashed with paint.
18	John Kohlhagen	June 9, 1954	June 7, 1954	Tire punctured.
19	Robert Schaefer	June 7, 1954	do	Automobile windshield shattered; valve stem cut from tire.
20	Edwin Winkel	June 14, 1954	June 9, 1954	Acid splashed on new automobile.
21	Carl Siegel	June 11, 1954	June 11, 1954	Shrubs, perennials, other plantings torn from ground.
22	Don Schilling	do	do	Word "scab" painted on automobile.
23	Anton Schnur	June 14, 1954	do	Rocks thrown through plate-glass window of home.
24	Arwin Herzog	June 12, 1954	June 12, 1954	Word "scab" painted twice on automobile.
25	Don Schilling	June 14, 1954	June 14, 1954	Blue automobile smeared with black enamel.
26	Adam Gulan	June 16, 1954	do	Sugar put in gasoline tank of auto.
27	Norman Glaser	do	June 15, 1954	Sand put in gasoline tank of farm tractor.
28	Albert Perrone	June 18, 1954	June 17, 1954	Plastic bag filled with tar hurled at garage, smearing building and concrete apron.
29	Millard Bell	do	do	Air let out of auto tire.
30	Arthur Roehl	do	do	Air let out of 4 tires.
31	Reuben Krebsbach	June 23, 1954	June 18, 1954	Acid poured on automobile.
32	Elmer Bachler	June 18, 1954	do	Wire netting torn from mink sheds.
33	Willard Van Ouwerkerk Valeria Van Ouwerkerk	June 19, 1954 June 20, 1954	do	Nonstriking employee struck from rear, knocked down, stomped, injuries included crushed chest and victim in critical condition for days.
34	John Kovacic	June 21, 1954	June 19, 1954	Thermopane window in home broken by stone.
35	Carl Kummer	do	June 20, 1954	Air let out of automobile tire.
36	Steven Konik	June 22, 1954	do	Nonstriking employee warned not to work, assaulted.
37	Carl Kummer	June 21, 1954	do	Nonstriking employee assaulted in tavern by gang of 8 men; asked why he didn't join union; knocked to floor.

38	Jacob Den Boer	June 23, 1954	June 22, 1954	2 light bulbs filled with black paint thrown, one smashing and spattering exterior of home, other breaking window and spattering paint over living room and furnishings.
39	Arthur Hedstrom	June 24, 1954	do	2 light bulbs filled with brown paint smashed against exterior of home.
40	Robert Leuck	do	do	2 light bulbs filled with white paint smashed against exterior of home.
41	Leland Dyke	do	do	Nonstriker cursed, threatened, physically assaulted.
42	Roger Wuestenhagen	June 25, 1954	June 24, 1954	Nonstriking employee assaulted, knocked to ground.
43	Harold Curtiss	June 29, 1954	June 28, 1954	Shotgun blast fired through living room window.
44	Wilbert Gartman	July 1, 1954	June 30, 1954	Object hurled at automobile going through Kohler Co. gate.
45	Wilbert Gartman	do	do	Trunk of automobile splashed with paint remover.
46	Paul Milbrath	do	do	Can of paint thrown onto porch, splattering.
47	Arthur Klein	do	do	Can of paint thrown against house.
48	Elmer Voelker	July 3, 1954	July 2, 1954	Brown paint thrown at window; red paint at side of house.
49	Eugene Puls (nonemployee)	Memo July 7, 1954	do	Light bulb filled with paint thrown at front door.
50	William J. Bersch, Sr. William G. Bersch, Jr.	July 5, 1954 July 6, 1954	July 4, 1954	Father and son assaulted, brutally beaten.
51	Paul Koeppler	July 12, 1954	July 9, 1954	Sand placed in automobile gasoline tank.
52	Chester Herman	July 10, 1954	July 10, 1954	Window in home smashed.
53	Richard Burich	July 17, 1954	July 16, 1954	Nonstriking employee threatened, warned not to go through picket line, assaulted.
54	Elden Slavens	July 21, 1954	July 21, 1954	2 light bulbs, filled with black and with red paint, thrown at home.
55	Albert J. Mauer	do	do	3 light bulbs, 1 filled with black paint, 1 with red paint, and 1 with dark green paint, thrown at home.
56	John Stockinger	July 23, 1954	do	Automobile tire slashed.
57	Robert Krepsky	July 26, 1954	July 26, 1954	Automobile windshield frame dented, windshield cracked, aerial broken off, windshield wiper broken.
58	do	Aug. 2, 1954	Aug. 1, 1954	Automobile tires slashed, valve stem cut off.
59	Fred Huehlman	Aug. 5, 1954	Aug. 5, 1954	Valve stems cut from 2 tires.
60	Merlin Schieunes	Aug. 9, 1954	Aug. 7, 1954	Word "scab" scratched on automobile.
61	Guenther Voss	Aug. 16, 1954	Aug. 11, 1954	Car going through Kohler Co. gate stoned.
62	Elmer Meyer	do	do	Automobile splashed with irremovable substance.
63	Guenther Voss	do	Aug. 12, 1954	Tire punctured by new galvanized roofing nail. Similar nails found on driveways at plant gates and near fences.
64	Claude Dault	Aug. 17, 1954	Aug. 17, 1954	Rocks thrown through window of home.
65	Eugene Eernisse	Aug. 19, 1954	do	Rocks shatter living-room window, break lamps and furniture.
66	Alexa Horst	L. E. O'Neill memo Aug. 19, 1954.	Aug. 19, 1954	Rock thrown through picture window.
67	William Graefe	Memo Aug. 23, 1954	do	Automobile hood dented by rock.
68	Marvin E. Birr	Aug. 21, 1954	Aug. 20, 1954	Brick thrown through picture window.
69	Emma Mertz	do	Aug. 21, 1954	2 rocks thrown through living-room window.
70	Ernest Beiersdorf	do	do	Rock thrown through living-room window.
71	William Graefe	Memo Aug. 23, 1954	do	Red paint smeared on residential sidewalk.
72	Gerald Emley and Mrs. Emley	Aug. 21, 1954	do	Nonstriker, wife, and 14-year-old daughter assaulted in tavern by group of men and women; threatened, cursed, and beaten.
73	William Graefe	Memo Aug. 23, 1954	Aug. 22, 1954	Tops cut off 7 spruce trees in residential landscaping.
74	Earl Radke	Memo Aug. 26, 1954	Aug. 23, 1954	Roofing nails placed under automobile tires.
75	Walter Stubbe	Aug. 24, 1954	Aug. 24, 1954	Rocks thrown through window with such force broke panel of interior door and damaged plaster on far wall.
76	Frederick Brandt	Aug. 26, 1954	Aug. 26, 1954	Light bulb filled with yellow paint smashed against porch steps.
77	Martin Blok	Aug. 30, 1954	Aug. 28, 1954	Window shattered with rock.
78	James B. Sweeting	Aug. 31, 1954	Aug. 30, 1954	5 windows in house trailer broken by rock throwers.
79	Albert Diehlmann	Sept. 2, 1954	do	Window shattered by rocks, automobile dented by thrown rocks.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
80	Harold Herber	Aug. 31, 1954	Aug. 31, 1954	Large Thermopane window, 2 kitchen windows shattered by rocks.
81	Theodore Stein	Sept. 2, 1954	Sept. 1, 1954	Piece of broken cement hurled through thermopane window.
82	James Rickmeyer	Sept. 8, 1954	Sept. 3, 1954	2 tires punctured by roofing nails.
83	do	do	Sept. 4, 1954	Tire punctured.
84	Arthur Hedstrom	Sept. 7, 1954	Sept. 6, 1954	Cans of beer thrown at home.
85	Russell Messner	Sept. 28, 1954	do	Acid splashed on automobile.
86	Casmir Nighbor	Sept. 29, 1954	Sept. 7, 1954	Plate glass window of living room smashed.
87	Clark Weeden	Sept. 28, 1954	do	Barrage of rocks hurled at auto; breaking windows, denting body. Victim's telephone line cut.
88	Harold Fanslau	Sept. 13, 1954	Sept. 8, 1954	Nonstriker and wife assaulted, called foul names; nonstriker struck and knocked down.
89	do	do	do	Nonstriker physically assaulted; valve stems removed from automobile tires.
90	Kenneth Holbrook	Sept. 14, 1954	do	Cornmeal and 2 pieces of quarter-inch pipe about 2 inches long put in oil pan of automobile.
91	Gustave Stokelbusch	do	Sept. 13, 1954	Rocks thrown through 5 windows of home, breaking 11 panes of glass, knocking plaster off dining room wall breaking floor lamp in living room.
92	Carl Yerkman	Sept. 14, 1954 (signed by Mrs. Fay Yerkman).	do	Rock hurled through living-room window.
93	Elmer Born	Sept. 15, 1954 (signed by Mrs. Mary Born).	Sept. 15, 1954	3 rocks thrown through living-room picture window; rock thrown through kitchen window; rock thrown at dining room window breaking screen molding.
94	Lester Boeldt	Sept. 20, 1954	Sept. 17, 1954	Nonstriking employee ambushed by gang in tavern; called a scab and job stealer, cursed, beaten.
95	Ben Zantow and Mrs. Zantow	Sept. 17, 1954	do	5 rocks thrown through 2 picture windows, damaging walls and furnishings.
96	Gilbert Loersch	Sept. 18, 1954	do	Living-room picture window broken by rocks.
97	John Elsesser	Sept. 22, 1954	do	Nonstriking employee assaulted in tavern, stuck in face.
98	Gottlieb Ertel	Sept. 20, 1954	Sept. 18, 1954	Valve stem removed from tire.
99	Roy Williamson	Sept. 21, 1954	do	Valve stem ripped off tire.
100	Elden Slavens	Sept. 20, 1954	Sept. 19, 1954	Light bulb filled with red and black paint thrown at residence.
101	Carl Mertz	Sept. 22, 1954	do	Nonstriker cursed, physically assaulted.
102	Arlin E. Behlow	Sept. 28, 1954	Sept. 24, 1954	Damage to auto; wires to directional lighting, to radio, and to heater cut.
103	Carl M. Gabrielse	Sept. 29, 1954	Sept. 27, 1954	Cutting blade of corn chopper broken by steel rod tied to cornstalk; machine bolts tied to other cornstalks on farm owned by father of a Kohler Co. employee.
104	Frederick Kuehlman	do	do	Air let out of tires.
105	Betty Gosse	Sept. 30, 1954	Sept. 28, 1954	3 sets of corn-chopper knives broken by machine bolts tied to cornstalks on farm operated by husband of Kohler Co. employee.
106	Frederick Kuehlman	Sept. 29, 1954	do	Automobile tire slashed.
107	Orville Gilpin	Sept. 30, 1954	Sept. 30, 1954	Automobile body gouged.
108	Arthur Haefke	do	do	Do.
109	Norman Rietbrock	Oct. 1, 1954	do	Do.
110	John Elsesser	Oct. 4, 1954	do	2 nonstriking employees assaulted in tavern by gang; threatened, kicked in legs and kneed in groin.

111	Albert Bassler	Oct. 2, 1954	Oct. 1, 1954	Rocks hurled through 5 windows, damaging mirror and furniture.
112	Believe these are same incidents as referred to in 107–109.		Sept. 30, 1954	Nonstriking employee's automobile scraped and finish scratched as he drove through picket line.
113			do	Fender and door of nonstriking employee's automobile scraped and scratched as he drove through picket line.
114			do	Right rear fender of nonstriking employee's car scratched to the metal as he drove through picket line.
115	Joseph W. Sejba	Oct. 4, 1954	do	Finish on nonstriking employees' automobile gouged with sharp instrument as it was parked at his home.
116	Kenneth C. Kletzien	do	do	Tire on automobile of nonstriking employee punctured.
117	Charles Schumacher	Oct. 4, 1954 (Oct. 1, 1954 should be Sept. 24, 1954).	Oct. 1, 1954	Nonstriking employee reports 3 punctures, caused by ¾-inch tacks; 1 tire and tube ruined.
118	Harvey Brendel	Oct. 5, 1954	do	Tire on automobile of nonstriking employee punctured by 3 roofing nails.
119	Arthur Margenau	Oct. 8, 1954	do	Tire on car of nonstriking employee punctured by 2 carpet tacks.
120	Believe this is same incident as referred to in 111.		do	Barrage of rocks broke 5 windowpanes in home of nonstriking employee; furniture in living and dining room damaged.
121	Roland Schultz	Oct. 13, 1954	Oct. 3, 1954	Tire on automobile of nonstriking employee slashed.
122	Arthur Margenau	Oct. 8, 1954	Oct. 4, 1954	Tire on car of nonstriking employee punctured by new carpet tack.
123	Elmer Margenau	do	do	Nonstriking employee reports 3 punctures caused by roofing nails.
124	Otto Vogt	Oct. 6, 1954	Oct. 6, 1954	Auto of nonstriking employee splashed with paint remover.
125	Earl Eernisse	Oct. 20, 1954	do	Dairy cow on farm operated by brother of nonstriking employee so horribly mutilated it had to be killed.
126	Betty Gosse	Oct. 8, 1954	Oct. 7, 1954	Corn chopper smashed by machine bolt tied to cornstalk on farm owned and operated by husband of nonstriking employee.
127	Elmer Margenau	Oct. 8 and 12, 1954	do	Automobile of nonstriking employee splashed with varnish remover as he drove to work through picket line; finish ruined.
128	Edward Markgraf	Oct. 12, 1954	do	Finish blistered on auto of nonstriking employee, apparently caused by varnish remover splashed on car.
129	Gilbert Schirmer	Oct. 15, 1954	do	Tire on nonstriker's car damaged by roofing nail.
130	Vincent Fee	Oct. 11, 1954	Oct. 8, 1954	Windows in home of nonstriker smashed by rocks; table broken by the missiles.
131	William Graefe	Oct. 12, 1954	do	Entire left side of nonstrker's auto splashed with unknown liquid; finish spotted.
132	Jake Hopeman	Oct. 20, 1954	do	Dairy cow slashed on udder and body, apparently by razor blade· daughter of owner has friend who is nonstriking employee.
133	Kenneth Clark	Oct. 11, 1954	Oct. 9, 1954	Automobile splashed, finish blistered and chipped off.
134	Keith Grapentine	Oct. 12, 1954	do	Finish of nonstriker's auto blistered by liquid splashed on car.
135	Arthur Roehl	Oct. 13, 1954	do	Liquid splashed on auto of nonstriking employee ate away finish.
136	James Holsen	Oct. 14, 1954	do	Paint remover splashed on auto of nonstriking employee, damaging finish.
137	Edgar Boeldt	do	do	Nonstriking employee reports automobile window smashed while parked in his yard.
138	Edgar Boeldt	do	do	Human excrement smeared on dashboard, steering wheel, and front seat of automobile of nonstriking employee.
139	Leonard Gabrielse	Oct. 19, 1954	do	Damage done to corn chopper on nonstriker's farm when large bolt passed into chopper while corn was being cut.
140	William Schaefer	Oct. 11, 1954	Oct. 10, 1954	Entire left side of nonstriker's car squirted with liquid, apparently paint remover, which blistered finish.
141	Vernon Teboe	do	do	Nonstriking employee's auto splashed with liquid which spotted finish

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
142	Lawrence Mullen	Oct. 13, 1954	Oct. 10, 1954	Home of nonstriking employee contaminated by ether.
143	Arno Sauter	do	Oct. 11, 1954	Rock thrown at home of nonstriker missed window but struck with such force that plates on plate rail in dining room were dislodged and broken. Garage window smashed by rock which dented chrome on auto.
144	Arno Sauter	Oct. 12, 1954	do	Window of automobile parked near home of nonstriker smashed, apparently case of mistaken identity.
145	Elmer Margenau	do	do	Automobile of nonstriking employee splashed with acid while driving through picket line, finish spotted and pitted.
146	Carl Gebhart	Oct. 13, 1954	do	Automobile of nonstriking employee splashed with acid at plant gate.
147	Harvey Schuette	do	do	Automobile of nonstriking employee squirted with liquid, apparently varnish remover at plant driveway. When victim attempted to wipe away liquid, paint came off.
148	Peter Gerhardt	do	do	Finish of automobile of nonstriking employee damaged by some liquid acid or paint remover when car was driven past pickets at northeast company gate.
149	Frederick Keseweder	do	do	Left side of automobile of nonstriking employee squirted with liquid which removed finish. Incident occurred at plant entranceway.
150	Gerald Butz	do	do	Right side of auto of nonstriking employee splashed with liquid which removed finish. Took place at company gate.
151	Roman Suttner	do	do	Acid or varnish remover sprayed on car of nonstriking employee as it entered company gate.
152	Gerhardt Otte	do	do	Entire right side of auto of nonstriking employee damaged by acid or paint remover as car passed through crowded picket line.
153	Albert Traute	do	do	Right side of auto of nonstriker damaged by acid at company gate.
154	Herbert Held	do	do	Automobile of nonstriker splashed with liquid which ate through the finish. Damage inflicted at company driveway.
155	Roland Schultz	do	do	Automobile of nonstriker splashed with substance which damaged finish. Car damaged at plant gate.
156	Elmer Grahl	do	Oct. 12, 1954	Light bulb filled with red paint thrown through window of nonstriking employee's home, damaging living-room furnishings.
157	William Leonhardt	Oct. 14, 1954	do	Auto of nonstriking employee splashed with liquid which spotted finish.
158	Hugo Sohre	do	do	Liquid splashed on auto of nonstriking employee, damaging finish.
159	George Henle	Oct. 13, 1954	do	Nonstriking employee's auto splashed with liquid which damaged finish.
160	Raymond Keller	do	do	Finish of auto owned by nonstriker damaged by acid or paint remover.
161	Theodore Hansmann	do	do	Nonstriker's auto spotted and pitted by liquid splashed on car.
162	Harold Lehmann	do	do	Nonstriker's car smeared with foreign substance which damaged finish.
163	Elmer Pantel	Oct. 15, 1954	do	Tacks hurled at auto of nonstriker driving through plant gates puncturing tire.
164	Willard Reinke	Oct. 16, 1954	do	Nonstriking employee's auto gouged and scratched.
165	Arthur Guenther	Oct. 14, 1954	Oct. 13, 1954	Tire on auto of nonstriking employee punctured by new carpet tacks.
166	Frederick Wegner	Oct. 16, 1954	do	Liquid squirted on auto of nonstriking employee, damaging finish of car.

167	Otto Vogt	Oct. 15, 1954	Oct. 15, 1954	Light-bulb "bomb" filled with liquid smashed against auto of nonstriking employee, damaging finish.
168	John Elsesser	do	do	Light-bulb "bomb" smashed against auto of nonstriker, damaging finish.
169	Gilbert Loersch	Oct. 16, 1954	do	2 windows in home of nonstriking employee smashed by rocks.
170	August Miller and Mrs. August Miller	do	do	Nonstriking employee and his wife assaulted, their tavern wrecked.
171	Roland Gilligan	Oct. 18, 1954	do	Porch screen and window at home of nonstriking employee smashed by rock.
172	Mrs. Harold Oonk	Oct. 22, 1954	Oct. 16, 1954	Home of brother of nonstriker spattered with can of paint with cover off and 3 or 4 holes punches in side. Storm and inside windows smashed and damage done to drapes, rugs, and furniture.
173	Harvey Roerdink	Oct. 18, 1954	do	Thermopane window at home of nonstriking employee smashed.
174	Leonard Gabrielse	Oct 19, 1954	Oct. 18, 1954	2 arms of 1 knifehead and 1 arm of another knifehead on corn chopper ruined when striking hidden machine bolts while harvesting corn on nonstriker's farm. Remainder of field searched and 2 more bolts found tied to stalks with binder twine.
175	Justin Strace	Oct. 25, 1954	Oct. 23, 1954	Home of member of supervision at Kohler Co. spattered with 3 paint bombs.
176	Mrs. Anthony Kaker	Oct. 26, 1954	Oct. 25, 1954	Uniformed gateman at Kohler had home spattered with paint bombs.
177	Reuben Buboltz	Oct. 28, 1954	Oct. 26, 1954	10 windows in nonstriker's garage smashed by rocks.
178	Randall Courtright	Nov. 3, 1954	Oct. 30, 1954	Nonstriker's car scratched when entering plant.
179	Wilmer and Dorothy Mentink	do	Oct. 31, 1954	Shotgun blast riddled windows in home of nonstriker.
180	Herbert Krentz	Nov. 4, 1954	Nov. 2, 1954	Paint remover thrown against nonstriker's home.
181	Jerome P. Block	do	Nov. 3, 1954	4 paint bombs splattered against nonstriker's home, window broken, extensive damage to interior.
182	Arthur Burich	Nov. 24, 1954	Nov. 4, 1954	Slashed tire caused blowout on nonstriker's car as he drove to work.
184	Harold Curtiss	Nov. 16, 1954	Nov. 5, 1954	7 roofing nails picked up in tire of nonstriker's automobile.
185	Arno C. Kremin	Nov. 6, 1954	Nov. 6, 1954	2 paint bombs smashed against nonstriker's home.
186	Henry J. Matthias	do	do	2 paint bombs thrown at nonstriker's home.
187	Tom Rosandich	Nov. 15, 1954	do	Foreign element poured into gas tank of nonstriker's car, causing damage to bearings and rings.
188	George Sacher	Nov. 10, 1954	Nov. 10, 1954	Bricks hurled through living-room windows of nonstriker's home.
189	George Behring	Nov. 11, 1954	do	Flaming torch thrown onto porch of nonstriker's home.
190	Victor Thierfelder	Nov. 12, 1954	Nov. 12, 1954	Paint bomb smashed against window of nonstriker's home.
191	Ernest C. Voelker	Nov. 13, 1954	do	Paint bomb hurled against Thermopane window and missile thrown through window, causing flying glass to hit nonstriker and wife.
192	Joseph Miller	do	do	Paint bomb smashed against nonstriker's home.
193	Ottomar Zelle	do	do	Home on nonstriker under construction target of paint bombs. Present residence also paint-bombed.
194	Jacob Den Boer	do	do	2 paint bombs hurled against window and porch of nonstrikers' house.
195	Wilmer Mentink	Nov. 16, 1954	do	7 carpet tacks in tire on nonstriker's car caused flat. Tacks found scattered on road at entrance to company parking lot.
196	Harvey Walvoort	Nov. 15, 1954	Nov. 13, 1954	Heavy object hurled against side of nonstriker's car as he drove through plant gate.
197	Gilbert Nelson	Nov. 16, 1954	do	Object thrown against rear fender of nonstriker's automobile as he entered company parking lot. 2 long upholstery nails found in flat tire.
198	Keith Grapentine	do	do	Paint splashed on fender and door of nonstriker's automobile.
199	Theodore Stein	Nov. 15, 1954	do	House of nonstriker splattered with paint.
200	Earl Radke	Nov. 17, 1954	do	Nonstriker reported 8 flat tires caused by roofing nails and tacks over period of several weeks.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
201	James A. Kretsch	Nov. 16, 1954	Nov. 14, 1954	Door of nonstriker's automobile scratched.
202	Harold Curtiss	do	Nov. 15, 1954	Roofing nails strewn in driveway of nonstriker with resultant flat tire.
203	Adolph Riehl	Nov. 17, 1954	do	Two tires on auto of nonstriking employee punctured by 5 upholstery tacks.
204	Max Wimmer	Nov. 16, 1954	do	2 glass jars hurled through windows of nonstriker's home.
205	Kenneth Baer	Nov. 18, 1954	do	Pointed piece of hardwood driven into tire of nonstriker's automobile causing flat tire.
206	John A. Olofson	Nov. 17, 1954	do	Automobile splashed with paint remover.
207	Wesley Williams	do	Nov. 16, 1954	Paint bomb shattered against nonstriker's automobile.
208	Clarence Zimmerman	Nov. 24, 1954	do	10 carpet tacks punctured 2 tires on nonstriker's car.
209	William Mueller	Dec. 3, 1954	Nov. 18, 1954	Solution poured into radiator of nonstriker's auto causing extensive damage.
210	Fred E. Hartmann	Jan. 3, 1955	Nov. 20, 1954	Tube and tire on nonstriker's car cut.
211	Wilbert E. Subrke	Dec. 20, 1954 (no mention of foreign substance poured into crankcase).	Nov. 22, 1954	Foreign ingredient poured into crankcase of nonstriker's automobile necessitating replacement of engine. (See reference to Nos. 219 and 229 as reason for possible confusion in description. All 3 instances referred to in affidavit dated Dec. 20, 1954.)
212	Oscar Spieker	Nov. 24, 1954	do	Light bulbs filled with paint and with paint remover thrown against and into nonstriker's home; rugs, walls, and dinette splattered.
213	Mrs. Ole T. Pladson	Nov. 23, 1954	Nov. 23, 1954	3 paint bombs and rocks smashed against nonstriker's home; damage to living-room walls, rugs, floor, and furniture.
214	Edgar Barts	Dec. 2, 1954	do	Foreign substance poured into gas tank of nonstriker's auto
215	Max Wimmer	Nov. 30, 1954	Nov. 26, 1954	Jar filled with paint thrown through kitchen window of nonstriker's home.
216	Earl Reynolds	Dec. 1, 1954	Nov. 28, 1954	Nail driven into tire on nonstriker's auto.
217	LeRoy T. Reiter	Nov. 30, 1954, memo Dec. 11, 1954.	Nov. 29, 1954	Paint bombs hurled against windows of nonstriker's home.
218	Emil Knorr	Dec. 4, 1954	Dec. 1, 1954	Upholstery tacks punctured tire on nonstriker's auto.
219	Wilbert E. Suhrke	Dec. 20, 1954	Dec. 2, 1954	Automobile engine of nonstriking employee sabotaged.
220	Phelix Blonien	Dec. 28, 1954	do	Tire of nonstriker's auto punctured by roofing nail.
221	Arno Sauter	do	do	Tire mutilated by upholstery tacks.
222	Emil Knorr	Dec. 4, 1954	Dec. 3, 1954	Tire on nonstriker's auto went flat in company parking lot after picking up roofing nail at plant gate.
223	Gilbert Schirmer	Dec. 8, 1954	do	2 tires on auto of nonstriker went flat after picking up roofing nails.
224	Thomas Knecht	Dec. 10, 1954	Dec. 4, 1954	Roofing nail punctured front tire of nonstriker's auto.
225	Harold Curtiss	Dec. 8, 1954	do	2 upholstery tacks picked up in tire of nonstriker's automobile as it was driven through southeast gate of company.
226	Louis Weber	Dec. 6, 1954	Dec. 5, 1954	Windows broken in home of nonstriker by pellets from an air gun.
227	Thomas Knecht	Dec. 12, 1954	Dec. 6, 1954	Tire on auto of nonstriker punctured by roofing nails.
228	LeRoy Wessel	Dec. 15, 1954	do	Tire on auto of nonstriker slashed.
229	Wilbert E. Suhrke	Dec. 20, 1954	Dec. 7, 1954	Foreign piece of metal forced into engine of nonstriker's automobile; piston broken, camshaft sprung, connecting rods warped and hole blasted through head of engine; engine had to be replaced.
230	Joseph A. Miller	Dec. 9, 1954	do	Light bulbs filled with red paint smashed against nonstriker's home.
231	Gottlieb Hense	Dec. 8, 1954	do	Paint bombs thrown against home of nonstriker.
232	Russell Bawden	Dec. 9, 1954	do	Paint bombs smashed against auto of nonstriker.

233	Lloyd C. Thompson	Dec. 8, 1954	Dec. 8, 1954	Paint bombs smashed against nonstriker's automobile.
234	Emil Knorr	Dec. 24, 1954	Dec. 10, 1954	3 upholstery tacks and roofing nail caused flat on nonstriker's auto.
235	Arthur G. Bertz	do	Dec. 13, 1954	While nonstriker's car was stopped momentarily leaving the plant, picket smashed spotlight on car.
236	Daniel C. Murray	Dec. 28, 1954	Dec. 14, 1954	Tire on nonstriker's auto punctured by 2 tacks.
237	do	do	Dec. 15, 1954	2 tacks punctured tire on nonstriker's auto.
238	Alfred Kluge	Jan. 29, 1955	Dec. 17, 1954	Objects hurled at car of nonstriker as it entered plant, causing flat tire.
239	Emil Knorr	Dec. 21, 1954	do	Tire on nonstriker's car went flat on way to work. Left car on high way near union strike kitchen and walked to work. Garagemen called to repair tire reported distributor cap and rotor missing and wires from distributor pulled out.
240	Harold Curtiss	Dec. 18, 1954	do	Window broken on nonstriker's car as it was driven through southeast entrance to plant.
241	Hugo Rautmann	do	do	Object smashed against window of nonstriker's auto as it was passing through southeast gate at the plant.
242	Norman Glaser	Dec. 21, 1954	Dec. 18, 1954	3 large windows in chicken coop of nonstriker shattered by rocks.
243	Emil Knorr	do	Dec. 21, 1954	2 nails punctured tire on auto of nonstriker.
244	Frederick Kuehimann	Dec. 24, 1954	do	Tire on nonstriker's auto slashed and punctured.
245	Harold Fanslau	do	Dec. 22, 1954	Liquid splashed on fender and door of nonstriker's car, finish blistered.
246	Gilbert Arnhoelter	do	do	Paint bombs thrown through windows of nonstriker's home splattered paint on carpet, walls, tables, furniture, Christmas presents.
247	Herbert Krentz	Dec. 27, 1954 (signed by Mrs. Della Krentz).	do	Missiles thrown against nonstriker's home, breaking windows.
248	do	do	Dec. 24, 1954	Screw nuts hurled through garage window of nonstriker.
249	Gilbert Moede	Dec. 27, 1954	Dec. 25, 1954	Cottage of nonstriker broken into and splashed with sulfuric acid, damaging furnishings; five boats, hunting decoys, fishing equipment, and outboard motors damage.
250	Clifford Johnson	Jan. 18, 1955	do	Tenpenny nail driven into tire on nonstriker's auto; keyhold to trunk compartment jammed, preventing access to spare tire.
251	Marvin Leys	Dec. 29, 1954	Dec. 26, 1954	Spare tire of nonstriker slashed and a second tire punctured by roofing nail which had been ground to a sharp point.
252	William Bradford	Dec. 30, 1954	Dec. 29, 1954	Windshield shattered on auto of nonstriker.
253	Albert R. Maxey	Dec. 31, 1954	do	Paint bombs hurled against nonstriker's home, causing damage to tables, rug, chairs, and clothing.
254	Paul Koeppler	Dec. 30, 1954	do	2 paint bombs hurled against door of home of nonstriker.
255	Peter Breu Mrs. Peter Breu	Dec. 31, 1954 Dec. 30, 1954	do	Paint bomb hurled through window of nonstriker's home, spattering rug, chair, and davenport.
256	Fred Meifert	Jan. 4, 1955	Dec. 30, 1954	Nonstriker's automobile window shattered by pellets from BB-gun.
257	Elwin Taubenheim	Jan. 3, 1955	do	½-inch steel ball hurled through window of auto of nonstriker.
258	Wayne Kramer	do	do	Steel bearing shot through living-room window of home of nonstriker.
259	Elmer Van Der Weele	Jan. 10, 1955	Dec. 31, 1954	Tire on nonstriker's automobile slashed.
260	John Lucynski	Jan. 4, 1955	Jan. 2, 1955	Rock hurled through bedroom window of home of nonstriker.
261	Elmer Marcheske	Jan. 31, 1955	do	Window in home of nonstriking employee smashed by missile.
262	Norman Prange	Jan. 4, 1955 and Jan. 5, 1955	Jan. 3, 1955	Steel ball thrown through window of nonstriker's home.
263	Otto Vogt	do	do	Large Thermopane window in nonstriker's home smashed.
264	Dwight Van de Walker	Jan. 10, 1955	do	Tire on auto of nonstriker cut, causing flat.
265	William Graefe, Jr	Jan. 7, 1955	do	Steel ball thrown through Thermopane window of nonstriker's home.
266	Mrs. Harriet Roeder	Jan. 10, 1955	do	Object thrown against window of nonstriker's auto as it was being driven into plant; window cracked.
267	John Roszak	Jan. 11, 1955	Jan. 4, 1955	Large steel bearing shot through kitchen window of nonstriker's home.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
268	Clarence Herman	Jan. 12, 1955	Jan. 4, 1955	Paint splattered on nonstriker's garage.
269	Lester Boeldt	Jan. 18, 1955	do	Nails strewn in driveway of nonstriker's home.
270	Donald Gerlach	Jan. 5, 1955	Jan. 5, 1955	Trunk, door, fender, and top of nonstriker's car damaged by missiles as he drove by pickets on way to work.
271	Emmanuel Elsesser	Jan. 21, 1955	do	Tire on nonstriker's auto slashed.
	Wilfred G. Tank	Jan. 10, 1955	Jan. 6, 1955	Object hurled against nonstriker's auto as it was being driven through company gate, large dent in right door.
272				
273	Walter Warnecke	Jan. 12, 1955	do	Paint bombs thrown through windows of nonstriker's home, damaging walls, drapes, rugs, furniture.
274	Willard Johnston	Feb. 8, 1955	do	Tire on auto of nonstriker cut as car left plant.
275	Edward Markwardt	Jan. 24, 1955	Jan. 7, 1955	Metal slug fired against side of nonstriker's home.
276	Richard Arpke	Jan. 20, 1955	Jan. 8, 1955	Tire on auto of nonstriker slashed.
277	Mrs. Elaine Knause	Jan. 24, 1955	Jan. 10, 1955	Oil filter on nonstriker's car cut loose.
278	Henry O. Polster	Jan. 17, 1955	Jan. 12, 1955	2 tires on car of nonstriker punctured by roofing nails.
279	Neal M. Schraeder	do	do	2 roofing nails punctured tire on nonstriker's auto.
280	Edward Markwardt	Jan. 24, 1955	do	Object hurled against nonstriker's house.
281	David H. Matthias	Jan. 21, 1955	do	5 aluminum roofing nails caused flat tire on nonstriker's auto.
282	Lloyd Wunsch	Jan. 18, 1955	Jan. 13, 1955	Roofing nails punctured tire on auto of nonstriker.
283	Merlyn Charles	Feb. 3, 1955	do	Fan belt cut in auto of nonstriker.
284	Benedict J. Hansen	Jan. 19, 1955	Jan. 14, 1955	Nails punctured tire on auto of nonstriker.
285	Robert Schweitzer	do	Jan. 15, 1955	Over 100 roofing nails scattered in driveway of nonstriker.
286	Guenther Voss	Jan. 17, 1955	Jan. 17, 1955	Missile shattered window of nonstriker's car as it entered road leading to northeast company gate.
287	Toby Gunderson	Jan. 1, 1955	Jan. 18, 1955	2 tires punctured on nonstriker's auto by roofing nails.
288	Clarence J. Heinen	do	do	Rock hurled through living-room window of nonstriker's home.
289	William Schraeder	do	do	2 rocks and paint bomb thrown through window of nonstriker's home, damaging drapes, floor, ceiling, rug.
290	Betty Gosse	do	do	2 light bulbs filled with purple dye hurled through window of nonstriker's home, damaging interior.
291	David H. Matthias	Jan. 21, 1955	do	Roofing nails strewn in nonstriker's driveway.
292	Harold L. Hahn	Feb. 9, 1955	do	Tire on auto of nonstriker slashed.
293	Clarence J. Heinen	Jan. 19, 1955	Jan. 19, 1955	Grecnish liquid splattered against living-room window of nonstriker's home.
294	Willard Johnston	Feb. 8, 1955	do	Roofing nails driven into tire of nonstriker's auto, causing flat.
295	Lorraine Payne	Jan. 24, 1955	Jan. 20, 1955	Air let out of tires on nonstriker's auto.
296	Anton Schnur	Jan. 21, 1955	do	Window of nonstriker's home smashed.
297	Elwin Taubenheim	Jan. 24, 1955	Jan. 21, 1955	Car window of nonstriker's auto shattered by steel bearings.
298	Keith Grapentine	Jan. 25, 1955	do	Nonstriker's auto paint bombed.
299	Richard and Doris Kohlhagen	Jan. 22, 1955	do	Missile hurled through window of nonstriker's home.
300	Alfred Kluge	Jan. 28, 1955	Jan. 22, 1955	Tire on nonstriker's auto punctured by 3 nails.
301	John Stockinger	Jan. 27, 1955	do	Nonstriker's auto parked in front of home stoned, damaged.
302	Marvin J. Harder	Jan. 25, 1955	do	Metal ball fired at nonstriker's home.
303	Harvey Erbstoesser	Jan. 27, 1955	do	Windows in home of nonstriker smashed.
304	Kenneth Lavrenz	Jan. 29, 1955	do	75 gallons of oil drained from oil drum of nonstriking employee. Safety chain broken off and faucet forced on.
305	Gordon McChain	Feb. 3, 1955	do	Upholstery tacks driven into tire on nonstriker's auto.

306	Don Lee Koch	Feb. 2, 1955	do	Water poured into engine of nonstriker's automobile, causing extensive damage.
307	Mrs. Marie Eslinger	Feb. 4, 1955	do	Tire slashed on auto of nonstriker.
308	Lester Schuricht	Jan. 28, 1955	Jan. 23, 1955	Auto of nonstriker tampered with, necessitating repairs.
309	Robert Hensel	Jan. 24, 1955	do	Paint bombs thrown against nonstriker's home.
310	Phillip Schlessman	Feb. 3, 1955	Jan. 24, 1955	Object hurled against car of nonstriker as it was driven through company gate, damaging finish.
311	Elmer Marcheske	Jan. 31, 1955	Jan. 25, 1955	Object hurled against side of nonstriker's auto, finish damaged.
312	Alfred Kluge	Jan. 28, 1955	do	Object hurled against nonstriker's car as it was driven by union soup kitchen, right fender damaged.
313	Eugene Stoeckigt	Feb. 3, 1955	do	Aluminum roofing nails scattered in front of nonstriker's home.
314	Harvey Erbstoesser	Jan. 27, 1955	Jan. 26, 1955	Lead ball hurled through window of nonstriker's home.
315	Gilbert Arnhoelter	Jan. 28, 1955	do	Lead slug fired through window of nonstriker's home, causing interior damage.
316	Gordon McChain	Feb. 3, 1955	Jan. 27, 1955	Tire on auto of nonstriker punctured by upholstery tacks.
317	John Lucynski	Jan. 28, 1955	do	Beer bottle hurled at window of nonstriker's home.
318	Gustave Stockelbusch	Jan. 29, 1955	Jan. 29, 1955	Bottle hurled through dining-room window of nonstriker's home.
319	Frank Lindsay	Jan. 31, 1955	Jan. 30, 1955	Object hurled through side of nonstriker's garage.
320	Robert Heling, Jr	Feb. 3, 1955	do	Flaming torch thrown at nonstriker's home.
321	Hilbert Dreps	Feb. 4, 1955	Jan. 31, 1955	About 75 roofing nails scattered in driveway of nonstriker.
322	Arlie Haupt	Feb. 3, 1955	do	Object hurled against car of nonstriker as it was entering plant gate.
323	Elmer Van Der Weele	Feb. 2, 1955	do	Door forcibly sprung on auto of nonstriker.
324	Robert Hoegger	Feb. 3, 1955	Feb. 1, 1955	Rock hurled through living-room window of nonstriker's home.
325	William Bersch, Sr	Feb. 2, 1955	do	Window in home of nonstriker broken by pellets from BB gun.
326	Elmer Margenau	Feb. 4, 1955	Feb. 2, 1955	Lead slug hurled through window of nonstriker's auto.
327	Willard Johnston	Feb. 8, 1955	Feb. 4, 1955	Car of nonstriker kicked and rocked by pickets when it stopped while leaving the plant gate, fender dented.
328	Frank Holub	Feb. 7, 1955 (Feb. 3, 1955, should be Feb. 4, 1955).	do	Air let out of tires of nonstriker's car.
329	Randall Courtright, John Schleh, Lawrence Kurscheid.	Feb. 8, 1955	do	Window shattered in nonstriker's car when object was hurtled against it as car was driven through picket line.
330	Mrs. Alfred Hartel	Statement Feb. 5, 1955	do	Paint bomb thrown against nonstriker's home.
331	Mrs. Alphonse Sharenbrock	Feb. 5, 1955	do	Paint bomb thrown on roof of home.
332	Raymond Albright	Statement Feb. 5, 1955	do	3 paint bombs hurled against home of nonstriking employee.
333	Francis Dehr	Feb. 9, 1955	do	Paint bombs smashed against nonstriker's home.
334	Frederick Herr	do	do	3 paint bombs hurled at nonstriker's home, window broken, interior damaged.
335	Edward Wesmer	Statement Feb. 5, 1955	do	3 paint bombs smashed against nonstriker's home.
336	Mrs. Fred Roseler	Statement Feb. 7, 1955	do	Paint bomb thrown on roof of nonstriker's home.
337	Mrs. Rita Lutzke	do	do	Paint bombs hurled against nonstriker's home.
338	Duane Giebel	Feb. 21, 1955	Feb. 5, 1955	Sand poured in crankcase of nonstriker's auto, ruining motor.
339	Harold L. Hahn	Feb. 9, 1955	Feb. 7, 1955	Tire of auto of nonstriker slashed.
340	Arthur Hedstrom	do	Feb. 8, 1955	Thermopane window in home of nonstriker broken.
341	Justin R. Strace	Feb. 10, 1955	do	Metal object hurled through Thermopane window of home of nonstriker.
342	Anthony Kaker	do	do	Window in car of nonstriker smashed by missile.
343	John Lucynski	Feb. 5, 1955 (Feb. 9, 1955, should be Feb. 2, 1955).	Feb. 9, 1955	Lead slug hurled through glass block near front door of nonstriker's home.
344	Mrs. Maudie Hartmann	Feb. 11, 1955	do	Thermopane window in home of nonstriker smashed.
345	John Kohlhagen	Feb. 15, 1955	Feb. 10, 1955	Chunk of ice hurled through window of nonstriker's home.
346	Harvey Van Der Weele	do	Feb. 11, 1955	Metal slug hurled at window of nonstriker's home.
347	Elmer Van Der Weele	Feb. 25, 1955	do	Gears jammed on auto of nonstriking employee while parked in front of plant.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
348	Max Wimmer	Feb. 15, 1955	Feb. 15, 1955	Nonstriker's garage broken into and car painted and scratched. Human excrement smeared on side of car.
349	Dwight Van de Walker	Feb. 18, 1955	do	Alcohol with sugar poured into gas tank of auto of nonstriker, burning out the engine.
350	Kenneth D. Theune	Feb. 25, 1955	Feb. 18, 1955	Tires and valve stems slashed on auto of nonstriker.
351	Dwight Van de Walker	do	Feb. 18, 1955	Carburetor tampered with on auto of nonstriker.
352	Elmer Van Der Weele	do	Feb. 21, 1955	Parts removed from nonstriker's automobile, battery sabotaged.
53	Mrs. Agnes Pearce	do	do	Foreign substance poured into gas tank of nonstriker's auto, corroding piston walls and coating them with gummy substance.
54	Norman Rautmann	Feb. 28, 1955	Feb. 22, 1955	Tire on car of nonstriker punctured when passing through picket line at plant entranceway.
355	Jack Burke	Correspondence from and to Burke.	do	Tire ruined by roofing nails in driveway.
356	Junior F. Wagener	Feb. 25, 1955	Feb. 24, 1955	Nonstriker's car damaged after running over logs placed on curve of icy road.
357	Victor Sippel	Feb. 26 and 28, 1955	Feb. 25, 1955	Nonstriker's car dynamited, roof, fenders, and hood blown off, inside of car gutted, complete loss.
358	Lloyd G. Korb	Mar. 15, 1955	Feb. 28, 1955	Tire cut on nonstriker's auto.
359	Vincent Polster	Mar. 4, 1955	Mar. 1, 1955	Trunk on nonstriker's auto dented.
360	Henry Plautz	do	do	Nonstriker's car dynamited.
361	Raymond Dedering	Mar. 8, 1955	Mar. 3, 1955	4 roofing nails punctured tire on nonstriker's auto.
362	Phillip Lobes	Mar. 4, 1955	do	Rock hurled through windshield of nonstriker's auto.
363	Reuben Miller	Mar. 8, 1955	Mar. 6, 1955	Machine shed of nonstriker dynamited.
364	Charles J. Hein	do	Mar. 7, 1955	Paint chipped off door of nonstriker's auto.
365	Eugene Witkowski	Mar. 10, 1955	Mar. 10, 1955	Rocks hurled through windows of nonstriker's automobile.
366	Clarence Hildebrand	Mar. 30, 1955	Mar. 12, 1955	Paint bomb hurled against home of nonstriker.
367	LeRoy Reiter	Apr. 1, 1955	do	Tire slashed on nonstriker's auto.
368	Charles Noel, Jr	Mar. 17, 1955	Mar. 13, 1955	Roofing nail punctured tire of nonstriker's auto.
369	Albert Traute	Mar. 15, 1955	Mar. 14, 1955	Piece of concrete hurled through Thermopane window of nonstriker's home.
370	Harry Froehlich	Mar. 17, 1955	Mar. 15, 1955	Paint bomb hurled at nonstriker's home.
371	James Holsen	do	do	Nonstriker's automobile dynamited while parked in front of home.
372	Alvin Suemnicht	Mar. 21, 1955	do	Crankshaft and camshaft rulned and valve lifters burned out in auto of nonstriking employee necessitating replacement of motor.
373	James Elliott	Mar. 25, 1955	Mar. 19, 1955	Water hose cut and gasline smashed in auto of nonstriker.
374	Samuel A. Murphy	do	Mar. 20, 1955	Rocks hurled through window of home of nonstriking employee.
375	Eleanor Knolblauch	do	do	3 tires slashed beyond repair on auto of nonstriker.
376	LeRoy D. Wessel	do	do	Roofing nails scattered in the driveway of nonstriker.
377	Peter Schurrer	Mar. 23, 1955	Mar. 21, 1955	Tire on auto of nonstriker punctured by roofing nail driven into sidewall.
378	Bernard M. Daane	Mar. 25, 1955	do	2 shotgun blasts fired through Thermoplane window of nonstriker's home smashing plaster on opposite wall.
379	Orville A. Glass	Mar. 24, 1955	Mar. 23, 1955	7 roofing nails lodged in tire of nonstriker.
380	Frederick Nack	Mar. 28, 1955	Mar. 24, 1955	3 pickets attacked nonstriker's car as it was going into plant. Window smashed and car dented.
381	Arline Wunsch	Mar. 29, 1955	do	Roofing nails punctured tire on nonstriker's auto.

382	John Elsesser	do	Mar. 26, 1955	Dynamite thrown at nonstriker's automobile, falling short and blasting hole in pavement. Force of explosion smashed 5 windows in home. Wife of nonstriker suffered punctured eardrum.
383	Clarence Hildebrand	Mar. 30, 1955	do	Paint and tar smeared on nonstriker's car.
384	Eldon Voss	Mar. 31, 1955 (Mar. 28, 1955 should be Mar. 29, 1955).	Mar. 28, 1955	2 tires punctured on auto of nonstriker.
385	Leo Zorn	Apr. 1, 1955	do	Objects hurled against nonstriker's car as it was entering road to company parking lot, hood dented.
386	Eldon Voss	Mar. 31, 1955	Mar. 29, 1955	Tire slashed on nonstriker's auto. (Should be "punctured" not "slashed.")
387	John Stockinger	Apr. 1, 1955	Mar. 31, 1955	Rock hurled through window of nonstriker's home, playing children showered with flying glass.
388	Marvin Hein	Apr. 4, 1955	Apr. 4, 1955	Yellow paint sprayed on left-hand side of car.
389	James Rickmeier	Apr. 6, 1955	do	Nonstriker's car damaged while parked in street.
390	Gilbert Charles	Apr. 5, 1955	do	Paint bomb hurled through window of nonstriking employee.
391	Irving L. Bawden	Apr. 13, 1955	Apr. 5, 1955	Car finish damaged by acid.
392	Fred Hammelman	Apr. 7, 1955	Apr. 6, 1955	2 paint bombs hurled at nonstriking employee's home and car.
393	Carl E. Siegel	do	do	Garage and auto of nonstriker splashed with paint.
394	Raymond G. Blanchard	Apr. 15, 1955	do	2 tires on nonstriker's auto punctured by roofing nails.
395	Harry Froehlich	Apr. 9, 1955	Apr. 8, 1955	Paint bo nb thrown at nonstriker's home.
396	Pius E. Reinbold	Apr. 11, 1955	Apr. 9, 1955	Rock thrown through living room window of home of nonstriker.
397	Eugene Roe	Apr. 12, 1955	Apr. 10, 1955	More than a pound of sand and clay placed in fuel tank of nonstriker's auto.
398	Vernon Hartman	do	do	Brick thrown through living-room window of home of nonstriker.
399	Fred Yurk	Apr. 20, 1955	Apr. 12, 1955	Dynamite exploded under car of nonstriker, causing extensive damage.
400	John Kraemer	Apr. 13, 1955	do	Jagged rock hurled through livingroom window, hitting and injuring nonstriker.
401	Clarence Burich	Apr. 19, 1955	Apr. 18, 1955	Dynamite exploded under auto of nonstriker parked in front of his home; car a complete loss.
402	Elwin Taubenheim	Apr. 22, 1955	Apr. 21, 1955	Nonstriker's car dynamited.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955

No.	Name	Affidavit date	Date of incident	Description
1-A	Hugo Rautmann	June 25, 1954	Sometime during week of May 30.	Word "scab" painted in red on sidewalk of home.
2-A	Robert Leuck	June 11, 1954	June 10, 1954	Cement forms for steps and sidewalk pulled out and strewn over lawn.
3-A	Andrew Kohlhagen	Sheboygan press article, June 29, 1954.	June 28, 1954	Red paint thrown on store of mayor of Sheboygan Falls.
4-A	Edward Gehrke	July 3, 1954	June 30, 1954	Stone hit house.
5-A	Marvin E. Birr	Aug. 19, 1953	Aug. 17, 1954	Car trunk scratched.
6-A	Roland James Gilligan	Oct. 18, 1954	Aug. 23, 1954	Garage windows broken by BB gun.
7-A	Kenneth Clark	Aug. 25, 1954	Aug. 24, 1954	Gravel thrown at car, northeast gate.
8-A	James Rickmeier	Aug. 27, 1954	do	Do.
9-A	Charles Schumacher	Aug. 31, 1954	Aug. 30, 1954	Paraffin torch thrown in car.
10-A	Gaylord Sohn	Jan. 11, 1955	Sept. 2, 1954	Rock wrapped in strike bulletin thrown at home.
11-A	Mrs. Arden Luker (affiant had apartment above Kohlhagen's store).	Sept. 6, 1954	Sept. 6, 1954	Show window broken and appliances damaged in Mayor of Sheboygan Falls' store.
12-A	Gilbert Schirmer	Oct. 15, 1954	Sept. 10, 1954	Flat tire, new roofing nail.
13-A	Casmir Nighbor	Sept. 29, 1954	Sept. 25, 1954	Beer glasses thrown at home.
14-A	Gloria Poth	October 27, 1954	October 1, 1954	Flat tire, southeast gate, ¾-inch tacks.
15-A	John Kliejunas	October 6, 1954	October 3, 1954	Car scratched and cut.
16-A	Wilbert E. Suhrke	October 7, 1954	October 4, 1954	Car dented by rock and window broken.
17-A	Franklin H. Graumann	October 6, 1954	October 6, 1954	Acid thrown on car at home.
18-A	James Holsen	October 7, 1954	do	Do.
19-A	William Leonhard	do	do	Car sprayed with substance.
20-A	Arthur F. Margenau	October 8, 1954	do	Do.
21-A	Willard Roszak	October 6, 1954	do	Substance thrown on car.
22-A	Edward C. Gehrke	October 7, 1954	October 7, 1954	Home paint bombed.
23-A	Raymond F. Schneider	October 8, 1954	do	Acid squirted on car of nonstriker's sister.
24-A	Renatus E. Erbe	October 16, 1954	October 11, 1954	Car splashed with acid.
25-A	Reuben Poppenhagen	October 14, 1954	do	Nails in driveway to northeast gate.
26-A	Warren Williams	October 15, 1954	do	Substance sprayed on car at home.
27-A	Howard Van Ess	November 5, 1954	October 12, 1954	Flat tires, northeast gate, roofing nail.
28-A	Reuben Buboltz	October 28, 1954	October 24, 1954	Flowers in flower boxes pulled out.
29-A	Elmer Margenau	October 27, 1954	do	Tire slashed causing blowout.
30-A	Gloria Poth	do	October 25, 1954	Substance thrown at car, southeast gate.
31-A	Arthur Milbrath	October 28, 1954	October 23, 1954	Paint thrown on car, ½ pint.
32-A	Fred E. Hartman	Jan. 3, 1955	do	Flat tire, northeast gate, upholstery tack.
33-A	Howard Van Ess	Nov. 5, 1954	Oct. 30, 1954	Flat tire, northeast gate.
34-A	Mike Brandt	Nov. 17, 1954	Nov. 10, 1954	Gravel thrown at car, northeast gate.
35-A	Milfert Roerdink	Nov. 16, 1954	Nov. 13, 1954	Gravel thrown at car, southeast gate.
36-A	Robert R. Schaefer	do	do	Flat tire, southeast gate, tacks.
37-A	Michael Duffek	Nov. 18, 1954	Nov. 15, 1954	Flat tire.
38-A	Walter Matuszewski	Jan. 4, 1955	Week of Nov. 15, 1954	Flat tire, northeast gate, headless roofing nail.
39-A	Arthur Glaubig	Nov. 18, 1954	Nov. 16, 1954	Flat tire, roofing nails.

40-A	----do	----do	Nov. 17, 1954	Flat tires, upholstery tacks in driveway to southeast gate.
41-A	Leroy Wessel	Dec. 15, 1954	Nov. 19, 1954	Flat tire, upholstery tacks.
42-A	Earl Reynolds	Dec. 1, 1954	Nov. 27, 1954	Flat tire.
43-A	----do	----do	Nov. 28, 1954	Flat tire, finish nail.
44-A	----do	----do	Nov. 30, 1954	Do.
45-A	Phelix Blonien	Dec. 28, 1954	----do	Flat tire, aluminum nail.
46-A	----do	----do	Dec. 4, 1954	133 roofing nails picked up by magnet on Kohler Co. truck at north east gate.
48-A	Phillip Schlessmann	Dec. 17, 1954	Dec. 7, 1954	Flat tire, northeast gate, roofing nail.
49-A	Arno Sauter	Dec. 28, 1954	----do	Flat tire, tack.
50-A	Reuben Poppenhagen	Dec. 8, 1954	----do	128 roofing nails picked up by magnet on Kohler Co. truck at northeast gate.
51-A	Daniel C. Murray	Dec. 28, 1954	Dec. 9, 1954	Flat tire, tack and barb.
52-A	Leroy Wessel	Dec. 15, 1954	Dec. 10, 1954	Flat tire, nails.
53-A	Frederick Domke	Dec. 28, 1954	Dec. 11, 1954	Aluminum roofing nail in tire.
54-A	Norman J. Rautmann	Feb. 28, 1955	Dec. 15, 1954	Flat tire, roofing nail.
55-A	Arthur J. Hinks	Dec. 28, 1954	Dec. 19, 1954	Flat tire, northeast gate, roofing nail.
56-A	Fred Meifert	Jan. 4, 1955	Dec. 22, 1954	Flat tire, roofing nail.
57-A	Jerome Bersch	----do	----do	60 roofing nails found in driveway at home.
58-A	Willard Van Ouwerkerk	Dec. 31, 1954	Dec. 23, 1954	115 roofing nails found in driveway at home.
59-A	Clyde Roop	Dec. 28, 1954	Dec. 24, 1954	Bus window broken at southeast gate.
60-A	Dwight Van De Walker	Jan. 3, 1955	Dec. 25, 1954	Flat tire, northeast gate, headless roofing nail.
61-A	Arthur J. Hinks	Dec. 28, 1954	----do	Flat tire, northeast gate.
62-A	Herbert Krentz (signed by Mrs. Delia Krentz).	Dec. 27, 1954	----do	178 upholstery tacks found in driveway at home.
63-A	Dwight Van De Walker	Jan. 3, 1955	Dec. 28, 1954	Flat tire, northeast gate, headless roofing nail.
64-A	Jerome Bersch	Jan. 4, 1955	Dec. 29, 1954	68 roofing nails found on snow in driveway at home; more found as snow melted.
65-A	Dwight Van De Walker	Jan. 10, 1955	Dec. 31, 1954	Flat tire, northeast gate, headless roofing nail.
66-A	Gordon H. Mackie	Apr. 29, 1954	----do	Flat tire, Kohler Co. parking lot.
67-A	Lester A. Boeldt	Jan. 18, 1955	Jan. 4, 1955	Flat tire, southeast and northeast gates, roofing nail.
68-A	Walter Heide	----do	----do	48 aluminum nails found in driveway at home.
69-A	Dwight Van De Walker	Jan. 10, 1955	----do	Nail in tire, northeast gate, tire blowout causing car to turn over.
70-A	John Den Boer	Jan. 24, 1955	Jan. 5, 1955	Flat tire, northeast gate, roofing nail.
71-A	Gilbert W. Arnhoelter	Jan. 17, 1955	Jan. 6, 1955	Nails found in driveway at home.
72-A	Paul Jacobi and Joseph Born	Jan. 11, 1955 (page 2, par. 6)	----do	Rear view mirror of Peninsular Supply Co truck broken by pickets as it was leaving Kohler Co. plant through main gate.
73-A	Walter Heide	Jan. 18, 1955	Jan. 7, 1955	Aluminum roofing nails found in driveway at home.
74-A	A. A. Stahl	Jan. 11, 1955	Jan. 8, 1955	Flat tire, northeast gate, roofing nail.
75-A	John Den Boer	Jan. 24, 1955	Jan. 11, 1955	Do.
76-A	Paul Groh	Jan. 19, 1955	Jan. 12, 1955	Flat tire, northeast gate, 2 roofing nails.
77-A	Toby Gunderson	----do	----do	Flat tire, hole in tire.
78-A	Earl D. Wiechman	Jan. 20, 1955	----do	118 aluminum roofing nails found in driveway at home.
79-A	Norman J. Rautmann	Feb. 28, 1955	----do	Flat tire, roofing nail.
80-A	George Schmitz	Jan. 18, 1955	Jan. 13, 1955	Flat tire, northeast gate, roofing nail.
81-A	John Stockinger	Jan. 27, 1955	Jan. 14, 1955	Flat tire, roofing nail.
82-A	John Den Boer	Jan. 24, 1955	Jan. 17, 1955	Do.
83-A	John Hrasky	Jan. 21, 1955	----do	Do.
84-A	Willard Johnston	Feb. 8, 1955	----do	Do.
85-A	Emmanuel Elsesser	Jan. 21, 1955	Jan. 18, 1955	Flat tire, northeast gate, 2 roofing nails.
86-A	Benedict J. Hansen	Jan. 19, 1955	----do	Flat tire, aluminum roofing nail.
87-A	Willard Johnston	Feb. 8, 1955	----do	Flat tire, roofing nail.
88-A	Phillip F. Schlessmann	Feb. 3, 1955	----do	Do.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Con.

No.	Name	Affidavit date	Date of incident	Description
89–A	Willard Johnston	Feb. 8, 1955	Jan. 19, 1955	Flat tire, roofing nail
90–A	Gilbert Arnhoelter	Jan. 24, 1955	Jan. 20, 1955	Flat tire, northeast gate, nail.
91–A	Hilbert Dreps	Feb. 4, 1955	do	Flat tire, roofing nails.
92–A	John D. Konz	Feb. 5, 1955	do	Flat tire, roofing nail.
93–A	Keith Grapentine	Jan. 25, 1955	Jan. 21, 1955	Roofing nail in tire, no damage.
94–A	Ronald O. Krepsky	do	do	Flat tire, roofing nail.
95–A	Elden Slavens	Feb. 3, 1955	do	Flat tire, aluminum nail.
96–A	Gilbert H. Schill	Feb. 2, 1955	Jan. 22, 1955	Flat tire, roofing nail.
97–A	Eugene A. Stoeckigt	Feb. 3, 1955	Jan. 24, 1955	Aluminum roofing nail in tire, causing flat.
98–A	Harold Hembel	Jan. 27, 1955	Jan. 25, 1955	Right rear fender of car damaged by object at southeast gate.
99–A	Rowland Bergemann	Feb. 5, 1955	Jan. 26, 1955	Flat tire, northeast gate, finishing nail and roofing nail.
100–A	Mrs. LaVerne E. Sonnemann	Feb. 2, 1955	do	Flat tire, roofing nail.
101–A	Harold J. Lemkuil	Feb. 7, 1955	Jan. 28, 1955	Flat tire, northeast gate, roofing nail.
102–A	Roman H. Schuessler	Feb. 1, 1955	do	Flat tire, northeast gate, nail.
103–A	Willard Johnston	Feb. 8, 1955	Jan. 30, 1955	Nails found in driveway at home.
104–A	Gordon F. McChain	Feb. 3, 1955	Jan. 31, 1955	Flat tire, nail.
105–A	Sylvester Schweitzer	do	do	Substance thrown at car, northeast gate.
106–A	John D. Konz	Feb. 5, 1955	Feb. 2, 1955	Flat tire, roofing nail.
107–A	Henry H. Tufts	do	do	Flat tire, northeast gate, roofing nails.
108–A	Harwood Slater	Feb. 10, 1955	Feb. 9, 1955	Roofing nails thrown in driveway at home.
109–A	Victor C. Nonnweiler	Feb. 14, 1955	Feb. 11, 1955	Flat tire, northeast gate, roofing nail.
110–A	Oliver Ter Maat	Feb. 16, 1955	do	Cast slug hurled at window of home.
111–A	John Stockinger	Feb. 23, 1955	Feb. 17, 1955	43 roofing nails found in driveway at home.
112–A	Walter E. Marquardt	Mar. 3, 1955	do	Flat tire, roofing nail.
113–A	Fred Kirkpatrick	Feb. 25, 1955	Feb. 19, 1955	Do.
114–A	Fred Kloppenburg	Feb. 28, 1955	Feb. 20, 1955	Flat tire, northeast gate, roofing nail.
115–A	William Hoegger	do	Feb. 21, 1955	Flat tire, southeast gate, roofing nail.
116–A	Charles Noel, Jr.	Mar. 5, 1955	Feb. 23, 1955	Flat tire, northeast or southeast gates, roofing nail.
117–A	Harold J. Fanslau	Mar. 8, 1955	Feb. 25, 1955	Flat tire, northeast gate, roofing nail.
118–A	Renatus E. Erbe	Mar. 5, 1955	Mar. 1, 1955	Do.
119–A	Gordon McChain	do	Mar. 2, 1955	Flat tire, southeast gate, roofing nail.
120–A	Charles J. Hein	Mar. 8, 1955	Mar. 5, 1955	Flat tire, upholstery tack.
121–A	Harold F. Roeder	Mar. 11, 1955	do	Flat tire, 3 roofing nails.
122–A	Selvin Marsho	Mar. 19, 1955	do	Flat tire, 2 nails.
123–A	Charles Noel, Jr.	Mar. 17, 1955	Mar. 8, 1955	Flat tire, roofing nail.
124–A	Ervin A. Schmitz	Mar. 15, 1955	do	Slashed tire.
125–A	Harold Curtiss	do	Mar. 10, 1955	Flat tire, southeast gate, headless tack.
126–A	John J. Horst	Mar. 22, 1955	do	Roofing nails found in driveway at home.
127–A	Harold Curtiss	Mar. 15, 1955	Mar. 14, 1955	Flat tire, southeast gate, roofing nail.
128–A	LeRoy D. Wessel	Mar. 25, 1955	Mar. 22, 1955	Flat tire, southeast gate, ¾-inch nail.
129–A	Orville A. Gilpin	June 3, 1955	do	Flat tire, northeast gate, 3 roofing nails.
130–A	Cyril J. Wilberscheid	Apr. 4, 1955	Apr. 1, 1955	2 roofing nails in punctureproof tire; roofing nails found in driveway at home.
131–A	Norman Martin	Apr. 5, 1955	do	Flat tire, 1-inch nail.
132–A	Frederick Domke	Apr. 19, 1955	do	Flat tire, northeast gate, roofing nail.
133–A	Leslie Pike	July 8, 1955	Apr. 7, 1955	Aerial broken on car and fender skirts removed.

134-A	Adolph Riehl	Apr. 15, 1955	Apr. 9, 1955	Flat tire, southeast gate, oversize tack with ½-inch head.
135-A	Victor F. Balnaitis	Apr. 13, 1955	Apr. 11, 1955	Flat tire, oversize tack; 10 flats not reported.
136-A	Herman Grams	Apr 14, 1955	do	Lead pellets hit house.
137-A	Frederick Domke	Apr. 19, 1955	Apr. 12, 1955	Flat tire, northeast gate, roofing nail.
138-A	Adolph Riehl	Apr. 15, 1955	Apr. 13, 1955	Flat tire, southeast gate, oversize tack with ½-inch head.
139-A	Arlie Haupt	Apr. 18, 1955	do	4½ pounds of roofing nails found in driveway at home.
140-A	Roman Steinbruecker	Apr. 15, 1955	Apr. 14, 1955	Flat tire, northeast gate, roofing nail.
141-A	Alvin Suemnicht	Apr. 19, 1955	do	Flat tire, 6-penny nails; ½ pound of 6-penny nails found in driveway at home.
142-A	Helmuth R. Zutz	Apr. 26, 1955	Apr. 21, 1955	Tire cut causing blowout.
143-A	Alfred W. Baumann	do	Apr. 24, 1955	Substance thrown on car.
144-A	Rowland Bergeman	May. 2, 1955	Apr. 23, 1955	Tires cut by sharp instrument.
145-A	Chester A. Hermann	Apr. 23, 1955	do	Shingle nails found in driveway at home.
146-A	Gordon H. Maekle	Apr. 29, 1955	Apr. 25, 1955	25 nails found in driveway at home.
147-A	Albert Bassler	do	Apr. 26, 1955	Glass jar of bluish waxy substance thrown through window, damaging interior of home.
148-A	George A. Leonhardt	do	Apr. 27, 1955	Car scratched on city street.
149-A	Marvin R. Claus	Jan. 25, 1956	Sometime in March or April of 1955.	Car shot at with slingshot at southeast gate.
150-A	Walter Born	May 2, 1955	May 2, 1955	Car windows smashed by pickets at southeast gate.
151-A	Arthur E. Fink	May 5, 1955	May 3, 1955	Flat tire, 2 roofing nails.
152-A	Otto Henning	May 10, 1955	May 7, 1955	Flowers, shrubs, and plants trampled on, cut and damaged.
153-A	Arthur Hertenstein	May 20, 1955	May 9, 1955	Flat tire, nail driven into outside cleat of tire.
154-A	Robert W. Arndt	May 18, 1955	May 12, 1955	Flat tire, northeast gate, roofing nail.
155-A	George A. Leonhardt	May 17, 1955	May 13, 1955	Car scratched while parked in Sheboygan.
156-A	Murray Lindsay	do	do	Flat tire, southeast gate, chair glider nail.
157-A	Gilbert Schirmer	May 21, 1955	do	Tire cut.
158-A	Clement B. Schoenborn, Sr	May 27, 1955	May 15, 1955	Flat tire, northeast gate, 2 nails.
159-A	Clement B. Schoenborn, Sr	do	May 16, 1955	Sand in motor of car.
160-A	Donald Gregoire	do	May 24, 1955	Substance (kerosene or distillate) in oil and on outside of motor of car.
161-A	Victor H. Scheele	June 3, 1955	May 25, 1955	Acid thrown on car.
162-A	Janet Henkel	June 2, 1955	May 27, 1955	Sugar in gas tank.
163-A	Orville A. Gilpin	June 3, 1955	June 1, 1955	Flat tire, 2 rusty nails.
164-A	Elmer Van Der Weele	June 8, 1955	June 4, 1955	Flat tire, circular driveway in front of main office, 6 new roofing nails driven into tire.
165-A	Harold E. Konkel	June 15, 1955	June 10, 1955	Horn taken from car; also part of battery holder.
166-A	do	do	June 13, 1955	Flat tire caused by hole in tire.
167-A	William Sidebotham	June 20, 1955	June 17, 1955	Tires cut (slit 6 to 8 inches long).
168-A	Richard Gries	July 1, 1955	June 19, 1955	Sun visor on car damaged by pickets at northeast gate.
169-A	Harold Curtiss	June 27, 1955	June 22, 1955	Car dented by pickets at southeast gate.
170-A	Norman Kurtz	June 29, 1955	June 25, 1955	Car dented by pickets at northeast gate.
171-A	William Meulbrock	June 30, 1955	June 28, 1955	Living room windows in home broken by a half brick and a rock.
172-A	Marvin J. Harder	July 26, 1955	July 2, 1955	Sugar in gas tank of nonstriker's father-in-law's car.
173-A	John Elsesser	July 8, 1955, statement	July 5, 1955	Car window broken near clay dock area.
174-A	James Holsen	July 8, 1955	do	Windows smashed in home across from clay docks.
175-A	do	do	do	Car extensively damaged in front of home across from clay docks.
176-A	Paul Jacobi, Joseph Born, and Gerard A. Desmond.	July 6, 1955	do	Kohler Co. station wagon window smashed by pickets during riot at clay dock.
177-A	Peter Buteyn	July 28, 1955	do	Nonemployee contractor attempting to perform contract for Kohler Co. Damage to contractor's truck during riot at clay dock.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Con.

No.	Name	Affidavit date	Date of Incident	Description
178–A	Leroy Wessel	July 8, 1955	July 5, 1955	Car widown broken and body of car scratched near clay docks.
179–A	Gilbert Charles	July 7, 1955	July 6, 1955	Living room window in home broken by rock, size of golf ball.
180–A	Leslie Pike	July 8, 1955	do	Substance thrown on car at northeast gate.
181–A	Lloyd A. Sargent	do	do	Car dented by pickets at northeast gate.
182–A	Mrs. Dorothy Widder	do	do	Car dented by bottle thrown by pickets.
183–A	Donald W. Zimmerman	do	do	Window broken and antenna of car torn off by pickets at northeast gate.
184–A	Robert Hensel	July 29, 1955	July 9, 1955; July 11, 1955	Home splattered with creosote; flowers, rose bushes, and lawn ruined by liquid substance (creosote).
185–A	Kenneth Perronne	July 13, 1955	July 9, 1955	Car scratched and window smashed at picnic.
186–A	Marvin J. Harder	Aug. 1, 1955	July 10, 1955	Dent in wood on house, probably caused by stone.
187–A	G. A. Desmond (statement re Carl Yerkman July 22, 1955).		July 12, 1955	Paint thrown on nonstriker's home.
88–A	Herbert E. Kreutzinger	July 21, 1955	July 14, 1955	2 flat tires, southeast gate, roofing nails.
89–A	Frederick Brandt	July 15, 1955	July 15, 1955	Home hit with paint brush.
90–A	John P. Molitor, Jr	July 20, 1955	July 16, 1955	Acid splattered on car.
91–A	Wilmer Stokdyk	Aug. 1, 1955	do	Asbestos siding of home broken by object.
92–A	Ernest C. Fischer	July 21, 1955	July 17, 1955	Car aerial broken and strike stickers placed on windshield.
93–A	Richard Hoffmann	Aug. 1, 1955	July 18, 1955	Car window shattered on city street.
94–A	Elmer Margenau	July 23, 1955	July 21, 1955	Large rock thrown at car, chipping plant.
95–A	Olga Stopinski	July 26, 1955	do	Spark plugs removed from car.
96–A	Mayme Fahl	July 25, 1955	July 22, 1955	Car window shattered at tavern.
97–A	Wilmer Stokdyk	Aug. 1, 1955	July 23, 1955	Stone thrown through porch screen and hole in siding of house.
98–A	Mrs. Orlando Olsen	July 29, 1955	July 25, 1955	Distributor wires tampered with.
99–A	Marvin J. Harder	Aug. 1, 1955	July 28, 1955	Dent in edge of window casing of home caused by lead slug.
00–A	Mrs. LaVerne Sonnemann	Aug. 17, 1955	do	Sand in oil of car.
01–A	Casmir J. Nighbor	Aug. 1, 1955	July 29, 1955	Flat tire.
02–A	Dwight Van De Walker	Aug. 4, 1955	do	Flat tire, 2 roofing nails.
03–A	Norbert Klapperich	Aug. 5, 1955	Aug. 1, 1955	Oil drained out of car transmission.
204–A	Dwight Van DeWalker	Aug. 4, 1955	Aug. 2, 1955	Flat tire, northeast gate, 2 finishing nails, 1 inch long.
205–A	Donald R. Schilling	Aug. 9, 1955	Aug. 5, 1955	Car body dented as object hit car in front of home across the street from northeast gate.
206–A	John Elssesser	Aug. 12, 1955	Aug. 9, 1955	Bedroom window of home broken by ball bearing.
207–A	Norman Howe	Aug. 17, 1955	do	Store window broken in employee's store.
208–A	Oliver Ter Maat	Aug. 10, 1955	Aug. 9, 1955	Window in home broken by stone.
209–A	Harold A. Leffin	Aug. 17, 1955	Aug. 12, 1955	Pottery urn in yard smashed.
210–A	Victor W. Thierfelder	do	do	Nail in tractor tire.
211–A	G. A. Desmond (memo, Aug. 18, 1955, re Joseph Schinabeck).		Aug. 13, 1955	Home of Scheffler driver hauling Kohler products paint bombed.
212–A	Peter Schurrer	Sept. 20, 1955	do	Exhaust on car filled with rags causing air cleaner and muffler to blow apart; lock on car door jimmied.
213–A	William R. Zimmermann	Aug. 17, 1955	Aug. 14, 1955	Cement blocks knocked out of new home under construction.
214–A	Vernon P. Hartman	Aug. 16, 1955	do	Thermopane window in home broken by marble.
215–A	Lu Glefer	Sept. 15, 1955	Aug. 15, 1955	Living room window in home broken.

216–A	Arthur Butzen	Statement, Aug. 23, 1955	Aug. 16, 1955	Scheffler truckdriver hauling Kohler products believes he was shot at.
217–A	Frederick A. Mueller	Statement, Aug. 20, 1955	do	Do.
218–A	Henry Otte	Aug. 19, 1955	Aug. 17, 1955	Jars of paint hit home of nonstriker, damaging interior.
219–A	L. E. O'Neill, memo, Sept. 29, 1955 (re Matt Hauch, Mrs. Matt Hauch).	Statement, Sept. 29, 1955	Aug. 19, 1955	Sugar in gas tank of jeep belonging to father of former employee.
220–A	Vernon P. Hartman	Aug. 30, 1955	Aug. 23, 1955	Thermopane window in home broken by brick.
221–A	Donald C. Pickruhn	do	Aug. 25, 1955	Sugra in oil pan; motor in car damaged.
222–A	Herbert C. Held	Sept. 1, 1955	Aug. 29, 1955	Nonstriker's home splattered with paint.
223–A	William Gier	do	Aug. 30, 1955	Thermopane window in home broken by steel ball.
224–A	Rita A. Lutzke	Statement, Sept. 6, 1955	Sept. 1, 1955	Damage to husband's excavating equipment.
225–A	Donald Becker (Sept. 15, 1955, analysis by chemists).	Sept. 8, 1955	Sept. 4, 1955	Motor in car damaged by foreign substance.
226–A	Selmer Spitzer	Sept. 16, 1955	Sept. 7, 1955	Car dented at southeast gate.
227–A	do	do	Sept. 8, 1955	Cart dented and scratched by pickets at southeast gate.
228–A	Harry Steffes	Oct. 11, 1955	Sept. 9, 1955	Corn chopper damaged by unknown object.
229–A	Elmer A. Temme	Nov. 2, 1955	Sept. 18, 1955	Car window cracked, northeast gate.
230–A	William Diebiman	Jan. 27, 1956	Sept. 19, 1955	Flat tire, roofing nail.
231–A	Henry Richter, Jr.	Sept. 26, 1955	Sept. 20, 1955	Grass fire started on employee's farm.
232–A	Emil F. Knorr	Sept. 27, 1955	Sept. 21, 1955	Flat tire, southeast gate, roofing nail.
233–A	Heinz O. Haase	Sept. 26, 1955	Sept. 22, 1955	2 flat tires, southeast gate, roofing nails.
234–A	Kenneth R. Cook	Oct. 11, 1955	do	Word "scab" printed on landlord's fresh cement porch.
235–A	George Krizenesky	do	Sept. 24, 1955	Car smeared with paint.
236–A	Norman Jaeckels	do	Sept. 25, 1955	Flat tires, southeast gate, roofing nails.
237–A	Millard J. Graf	Sept. 27, 1955	Sept. 26, 1955	Pickets broke car window at northeast gate.
238–A	Norman Jaeckels	Oct. 11, 1955	do	Flat tire, southeast gate.
239–A	Henry J. Franzen	Oct. 17, 1955	Oct. 1, 1955	Car tires cut (3- to 4-inch cut).
240–A	Pius Reinhold	Oct. 4, 1955	Oct. 2, 1955	Thermopane window in home broken by piece of concrete, size of grapefruit.
241–A	George Zasada	Statement Oct. 5, 1955	Oct. 4, 1955	Windows and interior of home damaged by paint bombs; wife injured by flying glass.
242–A	Margaret C. Savinski	Oct. 7, 1955	Oct. 7, 1955	Car window broken by pickets at southeast gate.
243–A	Donald Miller	Oct. 24, 1955	Oct. 8, 1955	Water and sugar syrup in gas; car motor damaged. (Nov. 10, 1955, chemical analysis.)
244–A	John Yancey	Oct. 15, 1955	Oct. 11, 1955	Nails in tire after passing through southeast gate.
245–A	do	do	Oct. 13, 1955	Do.
246–A	Elden Siavens	Oct. 20, 1955	Oct. 15, 1955	Slug imbedded in window sash of home.
247–A	Vyra Wentz	do	Oct. 16, 1955	Sugar in gas tank of car.
248–A	Kenneth H. Hecker	Nov. 1, 1955	Oct. 17, 1955	Flat tire, southeast gate, roofing nails.
249–A	Clarence E. Miller	Oct. 25, 1955	do	Sugar in gas tank of car; motor damaged.
250–A	Harold F. Roeder	Nov. 2, 1955	Oct. 18, 1955	Flat tire, southeast gate, roofing nail.
251–A	Kenneth H. Hecker	Nov. 1, 1955	Oct. 19, 1955	Flat tire, southeast gate, 2 roofing nails.
252–A	Harold F. Roeder	Nov. 2, 1955	do	3 flat tires, southeast gate, roofing nails.
253–A	Carl Kummer	Oct. 24, 1955	do	Deep scratches on body of car.
254–A	Emil F. Knorr	do	do	Flat tire, southeast gate, roofing nail.
255–A	William G. Schaefer	Oct. 25, 1955	do	Flat tire after passing through southeast gate, roofing nails.
256–A	Frederick Schilling	Oct. 26, 1955	do	Flat tires after passing through southeast gate, roofing nails.
257–A	Walter Warnecke	Oct. 24, 1955	Oct. 21, 1955	Word "scab" painted on front door of nonstriker's home.
258–A	John Kraemer	Nov. 3, 1955	Oct. 26, 1955	Bedroom window and storm window of home broken by steel bal bearing.
259–A	Kenneth H. Hecker	Nov. 1, 1955	Oct. 29, 1955	Flat tire, roofing nails.
260–A	Melvin Heling	Nov. 3, 1955	Oct. 30, 1955	Nails found in driveway; has had many flat tires.
261–A	do	do	Oct. 31, 1955	Substance like ink splattered over front porch, steps, and siding of father's house.

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No.	Name	Affidavit date	Date of incident	Description
262–A	Frank Plocar	Nov. 7, 1955	Nov. 3, 1955	Thermopane window in home broken by rocks.
263–A	Mrs. Frances Baar	Nov. 10, 1955	Nov. 4, 1955	4-inch welding iron in tire.
264–A	Albert Bassler	Nov. 7, 1955	do	Bedroom window and storm window of home broken by rock.
265–A	Donald R. Kroening	Nov. 10, 1955	do	Tires cut (1-inch long cut).
266–A	Walter Ramming	do	do	Thermopane window broken by stone and pop bottle.
267–A	Adolph Riehl	Nov. 16, 1955	do	Flat tire, southeast gate, roofing nail.
268–A	Harold L. Seibold	Nov. 10, 1955	do	Farm machinery at father's store damaged.
269–A	Justin Strace	Nov. 7, 1955	do	Thermopane window in home broken by ball bearing.
270–A	Gilbert Charles	Nov. 18, 1955	Nov. 5, 1955	Flat tire, upholstery tack.
271–A	Richard Fink	Nov. 10, 1955	do	Sugar in motor of car; motor ruined.
272–A	Mrs. Gloria Jean Krening	do	Nov. 8, 1955	3 milk bottles thrown against front of house.
273–A	Anthony F. Kaker	Nov. 25, 1955	Nov. 9, 1955	Window and storm window in home broken by steel ball bearing.
274–A	Adolph Riehl	Nov. 16, 1955	Nov. 11, 1955	Flat tire, southeast gate, roofing nail.
275–A	Gilbert Charles	Nov. 18, 1955	Nov. 14, 1955	Paint in glass container thrown through windows of home, damaging interior.
276–A	Walter H. Soumes	Nov. 15, 1955	Nov. 15, 1955	Flat tire, southeast gate, roofing nail.
277–A	Norman Howe	Nov. 28, 1955	Nov. 16, 1955	Employee's store windows broken by steel ball bearing.
278–A	Henry H. Tufts	Nov. 23, 1955	do	Flat tire, southeast gate, roofing nail.
279–A	George A. Klemp	Dec. 12, 1955	Nov. 18, 1955	2-inch cut in tread of tire.
280–A	Gordon McChain	do	Nov. 19, 1955	2 flat tires, northeast gate, roofing nails.
281–A	Roman H. Schuessler	Nov. 22, 1955	do	Flat tire, southeast gate, spike.
282–A	Philip Saunders	Dec. 1, 1955	Nov. 23, 1955	Sugar in gas, damage to motor of car.
283–A	Willard G. Roethel	Nov. 30, 1955	Nov. 25, 1955	Tire cut.
284–A	Gordon McChain	Dec. 12, 1955	Nov. 28, 1955	Flat tire, northeast gate, roofing nail.
285–A	Walter H. Soumis	do	do	2-inch roofing nail driven into sidewall of tire.
286–A	John Kraemer	do	Nov. 29, 1955	2 holes, size of lead pencil, in living room storm window.
287–A	Waldemar Gregor	do	Nov. 30, 1955	Window of car shattered in front of strike soup kitchen.
288–A	Melvin J. Van Der Weele	Dec. 22, 1955	Dec. 3, 1855	Flat tire, southeast gate, roofing nail.
289–A	do	do	Dec. 7, 1955	2 flat tires, northeast gate, nails.
290–A	Harold Curtiss	Dec. 12, 1955	Dec. 8, 1955	Large surface of thermopane window in home pitted by metal pellets; 16 small holes in dining room storm window.
291–A	David J. Schroeder	Dec. 16, 1955	Dec. 10, 1955	Ignition and wiring torn out of car, aerial torn off, air let out of tires.
292–A	Thomas Wagner	Dec. 19, 1955	Dec. 13, 1955	Home of nonstriker shot at; lead pellets imbedded in front storm door and porch post.
293–A	Henry Tufts	do	Dec. 16, 1955	Car window shattered, southeast gate.
294–A	Harry Steffes	Dec. 30, 1955	Dec. 17, 1955	Foreign substance in oil; car motor ruined.
295–A	Raymond S. Kelmar	do	Dec. 22, 1955	Hole about size of bullet in car window.
296–A	LeRoy Taylor	Dec. 29, 1955	do	Scheffler truck damaged (common carrier loaded with Kohler Co. products). Tires blew out on return trip.
297–A	John Elsesser	Dec. 30, 1955	Dec. 23, 1955	Paint jar hurled through windows of nonstriker's home, damaging interior.
298–A	Ervin A. Schmitz	Jan. 4, 1956	Dec. 24, 1955	Oil drained out of crankcase of car.
299–A	Dwight R. Van De Walker	do	Dec. 28, 1955	Car fender dented by pickets at southeast gate.
300–A	Marvin E. Johanning	Dec. 29, 1955	do	Kohler Co. coal truck windows shattered by strikers.
301–A	Armin F. Neuhaus	Jan. 4, 1956	Dec. 29, 1955	Flat tire, northeast gate, roofing nail.
302–A	Marvin J. Harder	do	Dec. 31, 1955	Car windows shattered.

303–A	Vernon Hartman	Jan. 5, 1956	Jan. 3, 1956	Window and storm window in home broken by a half brick; damage to interior of home.
304–A	Kenneth Kerber	Jan. 11, 1956	do	2 flat tires, southeast gate, roofing nails.
305–A	Harold Brandt	Jan. 5, 1956	Jan. 4, 1956	Car windows broken and car body dented.
306–A	Charles Hein	do	do	Car window shattered at home.
307–A	Robert Anderson	Jan. 18, 1956	Jan. 7, 1956	Car window cracked at southeast gate.
308–A	Leo Behrens	Jan. 11, 1956	do	Thermopane window in home broken by rock, damaging interior.
309–A	G. A. Desmond (memo Jan. 7, 1956, re: Claude Dault).		Jan. 7, 1956	Thermopane window in home broken by large rock.
310–A	John Kraemer	Jan. 14, 1956	Jan. 9, 1956	Asbestos shingle on house broken by steel ball.
311–A	Raymond Phippen	Jan. 18, 1956	do	Porch window in home broken by marbles.
312–A	Gilbert Charles	Jan. 11, 1956	Jan. 10, 1956	Living room window and storm window in home broken by steel ball.
313–A	Herbert Held	Jan. 20, 1956	Jan. 12, 1956	Thermopane window and sun porch window in home broken by rocks, damaging interior.
314–A	Raymond Phippen	Jan. 18, 1956	do	3 windows and storm windows in home broken by rocks the size of grapefruits.
315–A	Oliver Ter Maat	Jan. 16, 1956	Jan. 13, 1956	Living room window in home broken by half a brick.
316–A	Lloyd Thompson	Jan. 14, 1956	do	Car windows and headlights smashed while car was parked in front of home.
317–A	Phillip Schneider	Jan. 18, 1956	Jan. 15, 1956, and Jan. 16, 1956.	Employee's pigs poisoned, 1 dead; 3 additional pigs dead from poison.
318–A	Francis J. Drollinger	do	Jan. 17, 1956	Car window cracked at southeast gate.
319–A	Renben Poppenhagen	Jan. 25, 1956	Jan. 18, 1956	Window of Kohler Co. truck broken by pickets at northeast gate.
320–A	Wesley Williams	Jan. 23, 1956	Jan. 19, 1956	Car fender dented at home.
321–A	Delano Dohr	Jan. 25, 1956	Jan. 21, 1956	Car scratched.
322–A	Albert Miesner	Jan. 26, 1956	do	Car dented right side, northeast gate.
323–A	Armin Neuhaus	Jan. 27, 1956	do	Grease smeared on car and chrome strip bent by pickets at northeast gate.
324–A	Edwin Doersch	do	Jan. 23, 1956	2 flat tires, northeast gate, roofing nails.
325–A	Norbert G. Fleisner	Jan. 25, 1956	do	Flat tire, northeast gate, roofing nail.
326–A	Edward Markwardt	do	do	Windows of nonstriker's home shot at and damaged.
327–A	Alice B. Schwandt	Jan. 27, 1956	Jan. 24, 1956	Flat tire, 3 roofing nails, northeast gate.
328–A	Melroy Stiebs (Mayme Fahl, memo, June 11, 1956, to G. A. Desmond).	Jan. 31, 1956	do	Sugar in motor of car.
329–A	William Diehlman	Jan. 27, 1956	Jan. 25, 1956	Flat tire, roofing nail.
330–A	Leland Stokdyk	do	do	Flat tire, 2-inch roofing nail.
331–A	Robert E. Woods	Feb. 1, 1956	do	Flat tire, northeast gate, roofing nail.
332–A	Albert Bassler	Jan. 31, 1956	Jan. 27, 1956	Dining room window and storm window in home broken by slug.
333–A	G. A. Desmond (memo 1–31–56 re: Ben Zantow).		do	Deep dent in porch pillar of home caused by lead slug.
334–A	William Gier	Feb. 7, 1956	do	Thermopane window in home broken by 2 ball bearings.
335–A	Willis Knoeke	Jan. 31, 1956	do	Thermopane window in home broken by ball bearing.
336–A	Leonard Kujawa	Feb. 2, 1956	do	Flat tire.
337–A	Frank Lindsay	Feb. 1, 1956	do	Flat tire, northeast gate, roofing nail.
338–A	Willard Clevers	do	Jan. 28, 1956	Car scratched and aerial damaged while car was parked at home.
339–A	Edgar J. Conrad	Jan. 31, 1956	do	Car window shattered and body scratched and dented at northeas gate.
340–A	Jacob Den Boer	do	do	Living room window and storm window in home broken by steel ball bearing.
341–A	Daniel Murray	do	do	Bedroom window in home broken by steel pellet.
342–A	John Roszak	do	do	Side of house dented by ball bearing.
343–A	Joseph Born	do	Jan. 29, 1956	Dent in house between front door and window by lead pellet.

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No.	Name	Affidavit date	Date of incident	Description
344–A	Elroy Biederwolf	Feb. 1, 1956	Jan. 30, 1956	Thermopane window in home broken by bearing the size of a softball.
345–A	Edward Gehrke	Jan. 31, 1956	do	3 Thermopane windows in home and 3 garage windows broken by rocks the size of coconuts.
346–A	Herbert C. Held	do	do	Porch window and storm window broken by slug.
347–A	Bert Sanville	do	do	Thermopane window and side window in home broken by rocks.
348–A	do	do	do	Every window in car smashed while parked at home.
349–A	Alan Meyer	Feb. 2, 1956	Jan. 31, 1956	Spark plugs, headlight, and horn wires on car removed.
350–A	Howard J. Leverenz	Feb. 3, 1956	Feb. 2, 1956	Car window shattered, southeast gate.
351–A	Mrs. Joanne V. Post	Feb. 6, 1956	do	Car window broken and fire in front seat while car was parked in a Sheboygan parking lot.
352–A	Harry Froehlich	Feb. 7, 1956	Feb. 3, 1956	Car windows knocked out while car was parked on a Sheboygan street.
353–A	Oscar H. Hildebrandt	Feb. 8, 1956	do	Flat tire, northeast gate, roofing nail.
354–A	Roger Hanson	Feb. 10, 1956	Feb. 4, 1956	Car door and fender dented, northeast gate.
355–A	Carl Hesselink	Feb. 8, 1956	do	Car window shattered, northeast gate.
356–A	Carl Zillier, Jr	Feb. 10, 1956	do	Lug nut thrown at car, northeast gate.
357–A	Raymond Schneider	Feb. 8, 1956	Feb. 5, 1956	Flat tire, roofing nail.
358–A	Emery A. Lau	Feb. 16, 1956	Feb. 8, 1956	Flat tire, new roofing nail.
359–A	Roman Andrew	Feb. 15, 1956	Feb. 11, 1956	Car window shattered, southeast gate.
360–A	Harry P. Czarniecki	Feb. 17, 1956	do	Car window shattered, northeast gate.
361–A	Edwin L. Fisher	Feb. 21, 1956	do	Flat tire, northeast gate, roofing nail.
362–A	Claude Daulk	Feb. 17, 1956	Feb. 14, 1956	Thermopane window in home broken.
363–A	Bernal E. Lang	Feb. 20, 1956	do	Do.
364–A	Walter Landwehr	do	do	Hole 1 inch in diameter in outer pane of thermopane window in home.
365–A	Herbert E. Kruetzinger	Feb. 17, 1956	Feb. 15, 1956	3 tires cut on sidewall.
366–A	Harvey Van Der Weele	do	Feb. 16, 1956	Car window shattered, southeast gate.
367–A	Wayne R. Woelffer	do	do	Do.
368–A	Andrew L. Korb	Feb. 21, 1956	Feb. 17, 1956	Sugar in gas tank of car.
369–A	Donald R. Schilling	Feb. 24, 1956	Feb. 21, 1956	7 nails pulled out of tires; 2 tires went flat; handful of roofing nails found in driveway.
370–A	Howard J. Voelker	Feb. 28, 1956	Feb. 22, 1956	Sand in transmission of car.
371–A	Ambrose O'Reilly	Feb. 29, 1956	Feb. 24, 1956	Flat tire, piece of metal.
372–A	Herbert C. Held	Mar. 2, 1956	Feb. 26, 1956	Oil filter tube in car damaged, causing loss of motor oil.
373–A	Elmer C. Hermann	Feb. 29, 1956	Feb. 27, 1956	Paint splattered on car.
374–A	Bernal E. Lang	Mar. 3, 1956	Feb. 29, 1956	Combination television, radio, and record player smashed in home.
375–A	Warren D. Preder	do	do	Jars of paint thrown through window of nonstriker's home, damaging interior and exterior.
376–A	William Schroeder	do	do	5 jars of paint thrown against thermopane window of nonstriker's home.
377–A	Mrs. Margaret A. Ten Pas	do	do	Living room window and storm window of home broken by stone.
378–A	Marvin R. Claus	do	Mar. 1, 1956	Jars of paint thrown against nonstriker's home.
379–A	Clarence A. Reineking	Mar. 7, 1956	Mar. 3, 1956	Paint on hood of car.
380–A	Robert L. Schroeder	do	do	Car scratched and aerial damaged.
381–A	Justin Strace	Mar. 13, 1956	Mar. 8, 1956	Thermopane window in home broken by whiskey bottle.
382–A	Roy Meissen	Mar. 22, 1956	Mar. 9, 1956	3-inch cut in tire.

383–A	Arthur Black	Mar. 13, 1956	Mar. 10, 1956	Car windows broken, southeast gate.
384–A	Alvin F. Suemnicht	Mar. 21, 1956	do	4-inch cut in tire.
385–A	Mrs. Maudie Hartmann	Mar. 15, 1956	Mar. 13, 1956	Thermopane window in home broken by milk bottle.
386–A	Roman H. Schuessler	Mar. 17, 1956	do	Large living room window and storm window in home broken by milk bottle.
387–A	Gerald H. Emley	Mar. 20, 1956	Mar. 17, 1956	Car window broken, southeast gate.
388–A	Mrs. Elaine Fahl	do	do	Do.
389–A	Harold M. Gollhardt	Apr. 2, 1956	Mar. 20, 1956	Salt in gas tank of son's car.
390–A	Raymond Phippen	Mar. 23, 1956	do	2 glass jars filled with paint hurled through windows of home, damaging interior.
391–A	Clarence E. Renzelmann	do	do	Pint jar of paint thrown through window of home, damaging interior.
392–A	Carl M. Yerkman	Apr. 4, 1956	do	2 pint jars filled with paint, oil, and turpentine hurled through windows of home, damaging interior.
393–A	Victor Frauenfeld	Apr. 2, 1956	Mar. 23, 1956	Tire slashed.
394–A	Jerome F. Henschel	do	do	Bedroom window and storm window in home broken by milk bottle
395–A	John Kraemer	do	Mar. 24, 1956	Living room window and storm window in home broken by milk bottle.
396–A	Harvey T. Nussbaumer	Mar. 26, 1956	do	Bedroom window and storm window in home broken by bottle.
397–A	Theodore H. Becker	Apr. 2, 1956	Mar. 25, 1956	Roofing nail in tire.
398–A	Michael Reinholtz	do	do	Car window broken, northeast gate.
399–A	Ernest Belersdorf	Apr. 3, 1956	Mar. 29, 1956	Thermopane windows hit by glass containers filled with paint, damaging exterior of home.
400–A	Elmer O. Wentz	Apr. 2, 1956	do	Windows in home broken by glass jars filled with paint.
401–A	Harvey Schmidt	Apr. 7, 1956	Apr. 3, 1956	Living room windows and storm windows in home broken by large olive jar filled with soot, leaving a black, greasy film on carpeting, drapes, furniture, and walls.
402–A	Mykolos Dobrovolskis (Apr. 23, 1956, memo from legal department to W. J. Ireland).		Apr. 19, 1956	Bedroom and kitchen windows in home broken by rocks.
403–A	Charles Hein	Apr. 20, 1956	do	Car windows broken.
404–A	Royal W. Becker	Apr. 25, 1956	Apr. 20, 1956	Flat tire, southeast gate, 3 roofing nails; 7 roofing nails found in two other tires.
405–A	Jerome C. Behnke	Apr. 26, 1956	Apr. 21, 1956	Roofing nail and screw found in tire, southeast gate.
406–A	Raymond Phippen	do	Apr. 24, 1956	Window and storm window in home broken by rocks.
407–A	Stephan Herm	May 2, 1956	Apr. 26, 1956	Glass jar thrown through window of home.
408–A	Edgar A. Eslinger	May 11, 1956	May 1, 1956	Car window hit by object, damaged, northeast gate.
409–A	Stephan Herm	do	May 8, 1956	Glass jar filled with bluish black substance thrown against home.
410–A	Howard Mason	May 18, 1956	May 9, 1956	15 holes in sidewall of tire and V-shaped cuts in tires.
411–A	Gottlieb Hense	May 14, 1956	May 10, 1956	Dent in porch of home, beer bottle hurled against house.
412–A	Jerome C. Behnke	May 23, 1956	May 11, 1956	Flat tire, southeast gate, roofing nails in 2 other tires.
413–A	Raymond F. Dedering	June 8, 1956	do	Foreign substance in oil in car.
414–A	Daniel Murray	June 6, 1956	June 3, 1956	Canvas top on convertible cut while car was parked on city street in Sheboygan.
415–A	Elwin Taubenheim	June 19, 1956	June 17, 1956	Screen and glass in door, and livingroom window in home broken by peanut butter jars.
416–A	Fred Oliver	Aug. 7, 1956	Aug. 1, 1956	Jacknife blade found in tread of tire.
417–A	Wallace Miesfeld	Oct. 3, 1956	Aug. 4, 1956	Car windshield broken, canvas top slashed.
418–A	Gilbert Charles	Aug. 16, 1956	Aug. 15, 1956	2 windows in home broken by stones.
419–A	Thomas W. Wolfert	do	do	Roofing nails in 2 tires, northeast gate.
420–A	Clement B. Schoenborn, Sr	Aug. 18, 1956	Aug. 16, 1956	Employee's wife's dresses slashed when left at dressmaker's for alterations.
421–A	Daniel J. Seidlitz	Aug. 20, 1956	do	3 nails in 2 tires, southeast gate.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Con.

No.	Name	Affidavit date	Date of incident	Description
422–A	Les Quaslus	Sept. 1, 1956	Aug. 31, 1956	Nonemployee contractor performing construction work at Kohler Co.: 5 stones and 4 pint jars of paint thrown through windows in office building, damaging interior.
423–A	Arthur Muetzelburg	Oct. 2, 1956	Sept. 26, 1956	Flat tire, northeast gate.
424–A	Wallace Miesfeld	Oct. 3, 1956	Sept. 27, 1956	Wires to electrical apparatus in car jerked out.
425–A	Henry Otto Polster	Dec. 3, 1956	Nov. 23, 1956	Wires to distributor and other parts cut.
426–A	Jack Strace	Nov. 30, 1956	Nov. 26, 1956	Thermopane window in living room and kitchen window in home broken by milk bottles.
427–A	Mykolos Dobrovolskis (Dec. 6, 1956, memo from legal department to W. J. Ireland).		Dec. 4, 1956	Bedroom window in home broken by milk bottle.
428–A	Frederick Kuehlmann	Dec. 26, 1956	Dec. 21, 1956	4 jars filled with paint thrown through windows, damaging interior of home.
429–A	John Koehn	Jan. 9, 1957	De . 28, 1956	Flat tire, 4 inch nail.
430–A	Marvin Klemme	Jan. 23, 1957	Jan. 19, 1957	3-inch slash in tire.
431–A	Clarence Hartung	do	Jan. 21, 1957	Thermopane window in home broken.
432–A	William Helms	Jan. 28, 1957	Jan. 22, 1957	Window in Lindemann's Grocery Store (owned by William Helms) broken by piece of coal.
433–A	Albert Bassler	Jan. 30, 1957	Jan. 27, 1957	Paint splattered on outside of home.
434–A	Gordon McChain	Apr. 2, 1957	Jan. 29, 1957	Employee's heifers poisoned, 3 heifers died.

(At this point, the following members were present: Senators McClellan, McNamara, Senator Kennedy, Mundt, Curtis, and Goldwater.)

The CHAIRMAN. The Chair announced that you might select some or make some selection and comment upon them.

Senator MCNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator MCNAMARA. Mr. Chairman, for the record, do I understand that the list has been accepted as a sworn statement now or not?

The CHAIRMAN. It is under oath as of this moment. I just asked the witness. I would not put them in without some identification.

Senator MCNAMARA. That is the part I wanted to clear up.

The CHAIRMAN. Proceed.

Mr. DESMOND. I would like the committee to understand that all of the cases of interior damage that have so-called been brought to the attention of the committee is not all of such damage. The first of the paint bombings that occurred, occurred on June 22, and it was to a man by the name of Jacob P. Denboer. I have here various photographs of paint damage to the outside of his home, a broken window through which the paint bombing was hurled, and interior damage of quite an extensive nature.

The CHAIRMAN. I am trying to keep this record straight. Along with the affidavits, are there attached some photostatic copies of the damage to which the affidavits refer?

Mr. DESMOND. Along with the affidavits, Senator, is also attached in many instances photographs of the actual damage that occurred.

The CHAIRMAN. That is what I am asking. So wherever the Chair has ordered the affidavits made an exhibit for reference, the attached photographs which were acquired in the same manner and under your services, they will remain attached to the affidavit to which they are now attached, and that will become a part of the exhibit for the record.

Mr. DESMOND. In addition to the one I just mentioned, the first shotgun blast to a nonstriker's home occurred on June 28, 1954, to a man by the name of Harold Curtiss.

I went to his home and investigated that fully. There was some extensive interior damage to the inside of his home. The pellets went completely across the living room and imbedded themselves into the far side of the wall, as the photographs attached to the affidavit will verify. He has not testified, and I don't know whether he intends to be called.

The CHAIRMAN. Does the affidavit reflect the amount of damage caused in dollars and cents?

Mr. DESMOND. No, sir; I don't think it does. The affidavit just states the circumstances of the vandalism itself.

Mr. KENNEDY. Could I ask you about that?

Mr. DESMOND. Yes, sir.

Mr. KENNEDY. What was the arrangement as far as the reimbursement for damage? Did the Kohler Co. have some arrangement on that? Could you explain that to the committee?

Mr. DESMOND. Well, the arrangement was this: After I took the affidavit and investigated the vanadalism, and after the damage was repaired, if the man did not have insurance, the company undertook to

reimburse him, to put him back into the same position that he was in before the vandalism occurred. If he had insurance, he would get nothing from the Kohler Co., because he would be put in the same position as he was before, by the insurance company.

In some cases, the insurance company did not give the full extent of the man's damage, and in that case, if I found it to be correct, after checking into it, I would, in some cases, recommend that he be put up to the position that I thought he should be put up to in order not to suffer any damage at all.

I think one of the cases this morning was brought to the attention of the committee. There were cases where I thought that no reimbursement should be made, because it was not, in my opinion, strike-related to the extent where we could reimburse the man. The manner in which it was done was I would always write a memorandum to the personnel director. He would then also take it up with the executives, and a decision would be made to reimburse the man.

The CHAIRMAN. May I ask at this time whether you are prepared to give us a statement, or to state, the total amount you have paid out to your employees to reimburse them in these cases?

(At this point, Senator Mundt withdrew from the hearing room.)

Mr. DESMOND. Senator, I don't know myself, personally, but I think that Mr. Bellino has that information, if I am not mistaken.

The CHAIRMAN. We will want to get that into the record at some time.

Mr. KENNEDY. Mr. Conger, do you have it?

Mr. CONGER. I have it, and have turned a copy of it over to Mr. Bellino. Do you want the total amount now, Senator?

The CHAIRMAN. Well, I thought it would be proper to get it into the record sometime. If you have supplied it here, we will get it into the record. Go ahead.

Mr. KENNEDY. For instance, on Harold Curtiss, what was the situation as far as the reimbursement of Harold Curtiss?

Mr. DESMOND. Well, now, Mr. Kennedy, I don't know offhand what the specific arrangement was in that case. I don't know from my own knowledge at this time whether he had insurance or not. If he had insurance covering the vandalism to his window and inside, he didn't get anything. But if he did not have insurance, then we would have him have the repairs made, submit a bill to us, I would check over the bill, and if I thought it was in order then I would make a recommendation for payment to be made.

In that case, I don't know just what the situation was.

Mr. KENNEDY. The record here shows that he got, I believe, $12.95 for the repayment of the window, the glass in the window.

Mr. DESMOND. It might be that he had insurance on the interior of his home. There were eight hundred and some odd cases of vandalism, and they happened over a period of a couple of years. I just don't have that present recollection of it to be able to state.

Mr. KENNEDY. I didn't know whether you had a record of it for the committee.

Mr. DESMOND. No, sir; I don't. What I am now testifying to are the actual affidavits that were taken, together with the photographs that are attached to them.

Senator MCNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator McNamara. Would you describe for us just what you mean by a paint bomb?

Mr. Desmond. Yes; I will be very glad to do that. A paint bomb was a very large light bulb, the top of which was cut off right below the metal portion that fits into the socket. That part was filled with paint and then friction tape, generally black friction tape, was taped around the top, which was cut off, and that was thrown into the homes by the windows.

Senator McNamara. The term bomb doesn't indicate dynamite or powder or anything, but it was just glass with this tape around it to reinforce it, was that the idea?

Mr. Desmond. There wasn't anything to explode it, except when it went through the window it burst and then exploded all around the home. In addition to that, Senator, there was an additional type of so-called bomb, and that was glass jars, pint jars, with the regular screw top.

Senator McNamara. Mason jars, do you mean?

Mr. Desmond. Mason jars. That was filled with paint and also hurled through windows and when it hit, it generally smashed and splattered all around.

Senator McNamara. What confused me was the term "bomb."

Generally that means dynamite. That is all.

Senator Curtis. Mr. Chairman?

The Chairman. Senator Curtis.

Senator Curtis. Did you personally visit the locations where the vandalism took place?

Mr. Desmond. I visited many, many of them, because there would be too many of them. In one day there may be 5 or 6, and I couldn't examine all of them.

Senator Curtis. But you investigated what had been found on the scene after the so-called paint bombs had been thrown in?

Mr. Desmond. Yes, sir.

Senator Curtis. Did you find a similar debris and material running through all of the cases?

Mr. Desmond. That I did sir. In one particular night, if they vandalized 3 or 4 homes, generally speaking, the same type of vehicle was used. For example, if they used the pint jar on that night, the pint jar would be found in all of the homes where the damage occurred. If they used the electric-light bulb, such as I described, then generally that would be the vehicle that they would use on that particular night.

Senator Curtis. What size light bulb would they use?

Mr. Desmond. A very large one. I would say about like that [indicating] from the evidence that we were able to see, from the debris that was remaining on the premises.

Senator Curtis. Did you ever find one that hadn't exploded?

Mr. Desmond. I did not find one, a light bulb, that had not exploded, but there was a pint jar that was brought to my attention, in Kohler, which had not broken.

Senator Curtis. Were you ever able to reconstruct how they got the material in the light bulb and then sealed it up?

Mr. Desmond. The only way that I could determine and analyze from the scraps of evidence that we had was that they had cut off, in some manner, and how, I don't know, the top portion of the light

bulb close to the metal portion that goes into the socket. They would then fill it and then tape it with friction tape.

Senator CURTIS. Were you ever able to locate the place where these bombs would be assembled?

Mr. DESMOND. No, sir; we were not.

Senator CURTIS. Were you ever able to locate where the ingredients were purchased?

Mr. DESMOND. No, sir.

Senator CURTIS. Not the fruit jars or the light bulbs or anything?

Mr. DESMOND. No, sir.

Senator CURTIS. Did you conduct any investigation in that regard?

Mr. DESMOND. I did not conduct any investigation in that regard, but I think that the police authorities might have.

Senator CURTIS. They might have. But the company did not.

Mr. DESMOND. The company did not, to my knowledge. Someone else might have suggested that that be done, but I was not aware of it, and I don't know whether they did or not. Somebody else might have.

Senator CURTIS. That is all, Mr. Chairman.

Mr. KENNEDY. You are not aware of that, Mr. Desmond?

Mr. DESMOND. I am not aware of that.

Mr. KENNEDY. You didn't know there was anything being done along those lines by the Kohler Co.?

Mr. DESMOND. Not along the lines that the Senator mentioned, and that is the paint, the actual substance of the paint, where that might have been procured, or where the pint jars might have been procured. I, myself, don't know whether the company did that.

Mr. KENNEDY. Did you know that they were taking any steps of any kind to try to determine through their own agencies, who was responsible?

Mr. DESMOND. Who was responsible? Yes, I do, Mr. Kennedy. The company did hire a detective agency. I think it is the Matson Detective Agency. That was to assist us in trying to find out just how this vandalism was being perpetrated.

Senator MCNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator MCNAMARA. Was anybody prosecuted for the shotgun blasts or this other damage?

Mr. DESMOND. No, sir.

Senator MCNAMARA. Was anybody charged with these acts of vandalism?

Mr. DESMOND. The culprit was never apprehended, Senator.

Senator MCNAMARA. Never apprehended in any one instance out of all of these eight-hundred-and-some cases?

Mr. DESMOND. Well, I will qualify that. I think in one case, in Sheboygan Falls, someone was apprehended for throwing some paint through a window of the mayor of Sheboygan Falls, Wis., which did some interior damage, and also some damage to some of the stock that he had, refrigerators, stoves, and some appliances of that kind. Two of the fellows were apprehended and they were arrested.

Senator MCNAMARA. Were they prosecuted?

Mr. DESMOND. Yes, sir, I think they were, and I think they were found guilty and fined. The exact circumstances I cannot recall at the moment.

Senator McNamara. The mayor wasn't a striker or a nonstriker. He wasn't directly involved, was he?

Mr. Desmond. He, himself, was not, but his son was a Kohler Co. nonstriker, if I remember correctly.

The Chairman. All right.

Mr. Desmond. Might I make another remark, if the Senator please? This morning a man by the name of Mr. Williams testified that he recalled some vandalism that had been perpetrated in his community. In that connection, Elmer Grahl was building a new home in Cascade, Wis., which is approximately 10, 15, or 18 miles away from Kohler. He had paint thrown through his window, which completely damaged the inside of his home. He had a new rug just installed a few days also before that. It completely damaged a whole section of the rug. His new furniture, which he had just procured a short time before that, was splattered with paint. In exhibit 40 there is an affidavit which I took from him, and photographs of his home, showing the damage, which I went to at the time.

Incidentally, I might mention this, Senator, that these men whom I have mentioned have not been vandalized once. They have been vandalized more than once, some of them 2 and 3 times. I think the list will show the extent of the damage. Mr. Denboer, that I mentioned before, he had, at a later date—I think it might have been a couple of months later, after the interior of his home was completely vandalized, it was a shambles, paint bombs were again thrown at his home. But this time he was fortunate in that the paint bombs did not go inside. They were on the exterior of his house.

Mr. Kennedy. Is the mayor of Sheboygan Falls listed in here?

Mr. Desmond. Offhand I don't know, Mr. Kennedy.

Mr. Kennedy. I thought in answer to Senator McNamara's question you indicated that that was one of them.

Mr. Desmond. No. He asked me, if I am not mistaken, whether or not anyone was apprehended, and I said that they were apprehended, and I think I explained the circumstances.

Senator McNamara. I was referring to the testimony you were giving about shotgun blasts and paint in these cases, and this was one, I assume, that was in these cases, because the son was an employee. Is that not right?

Mr. Desmond. I think it is in, Senator, but I just can't be sure. There are so many cases, I just can't, from my memory, testify as to each individual one.

Mr. Kennedy. I believe it is one of those listed. You say that somebody was apprehended in that case?

Mr. Desmond. Somebody was apprehended.

Mr. Kennedy. Was he a striker?

Mr. Desmond. To my knowledge, he was not a striker. They are two brothers, if I remember right.

Mr. Kennedy. But the mayor of Sheboygan Falls is listed in here, and the people were caught and apprehended, and they were nonstrikers?

Mr. Desmond. I don't know whether they are listed in here.

Mr. Kennedy. The mayor of Sheboygan Falls is listed in here, but it doesn't say in there that the people that were apprehended were nonstrikers.

Mr. DESMOND. I don't think, Mr. Kennedy, that anywhere in this is a listing of people who were apprehended or who were not apprehended. This is a list of affidavits together with the photographs. It is not intended to be a list showing those who were apprehended in any case at all.

Mr. KENNEDY. It might not have anything to do with the strike at all, therefore?

Mr. DESMOND. Except in one respect, Mr. Kennedy, and that is that it just happened along the same lines and the same way, and at the same time, as all these other acts of vandalism that were going on to nonstrikers.

Mr. KENNEDY. But I am just taking the one example that you gave. You gave the mayor of Sheboygan Falls. That is listed in here as one of the acts of vandalism that you are reporting.

That case was solved, and the individuals found responsible were nonstrikers. For that reason, that you brought the case up, I thought the record should be clear. What is the name of the mayor?

Mr. DESMOND. Kohlhagen.

Senator MCNAMARA. In that connection, did you find many indications that the employees, in order to get a new paint job on their car or in their home, might do this themselves? Was there any evidence of that existing?

Mr. DESMOND. No, sir. There is no evidence of that kind.

Senator MCNAMARA. In the case that you brought out, the one about the home of the mayor and the mayor's son, there is an indication there that they were not strikers, and maybe somebody just wanted to get a free paint job or a job at the expense of Kohler. Do you think there was an element of that in this one?

Mr. DESMOND. I don't think so.

The CHAIRMAN. Do I understand that the parties who were convicted of vandalism on the mayor's home were nonstrikers? Or were they strikers?

Mr. DESMOND. I think they were nonstrikers.

The CHAIRMAN. Nonstrikers?

Mr. DESMOND. Excuse me.

The CHAIRMAN. Which way?

Mr. DESMOND. Let me correct myself, please. They were not employees of the Kohler Co. We will put it that way. If I made any reference to nonstrikers, I was completely wrong.

The CHAIRMAN. I am not sure you did.

Mr. DESMOND. If I did, I want to correct myself, Senator.

The CHAIRMAN. I am trying to get some identification in this particular case to see if it might or might not be related to the strike.

Mr. DESMOND. They were not employees of the Kohler Co., they were not out on strike, and they were not nonstrikers.

The CHAIRMAN. In other words, they were not workers of the Kohler Co., strikers or nonstrikers.

Mr. DESMOND. Correct. If I made any testimony in that regard, it was a slip of the tongue, I would like to correct the record in that regard, if I did.

Mr. KENNEDY. On the question of having it in here, it is listed twice in your reports, and once in a Sheboygan Press article, that red paint was thrown on the store of Albert Kohlagen the mayor of

Sheboygan Falls. The number listed is No. 11A, an affidavit from Mrs. R. Luker, showing a window broken and appliances damaged in the store of the mayor of Sheboygan Falls.

Mr. DESMOND. That was two separate cases, Mr. Kennedy.

Mr. KENNEDY. I see.

Mr. DESMOND. One was on the outside. I think the first one was on the outside, and the second one was through the window and interior damage.

Mr. KENNEDY. It is listed here as item No. 3.

Mr. DESMOND. I see.

The CHAIRMAN. Proceed.

Mr. KENNEDY. What would be the reason for putting it in here if the people apprehended had nothing to do with it, if they were not strikers or nonstrikers?

Mr. DESMOND. Well, we think it was related to the strike, because it was the same set of circumstances. His son was a worker, and in that regard, I think that they were trying to get at the son by getting at the mayor.

The CHAIRMAN. How old is the son, do you know? Was he married?

Mr. DESMOND. He was married.

The CHAIRMAN. Was he living with his father at the time?

Mr. DESMOND. I think he was. I am not sure, Senator.

The CHAIRMAN. Was he interested in the father's business, do you know?

Mr. DESMOND. I think he was to some extent, yes, sir, if I am not mistaken. I think he went down to the store once in a while to mind it and so forth. I am not positive of that, however. I have no definite information on that.

Mr. KENNEDY. Did they paint bomb his home?

Mr. DESMOND. No, but at one time I think they put a slug through it, through the window.

Mr. KENNEDY. But the people that were apprehended in this case, of course, had nothing to do with the strike. That is the only reason that I——

Mr. DESMOND. I don't know that they had nothing to do with it. In my opinion——

Mr. KENNEDY. That was a marble, I think, that was thrown through the window?

Mr. DESMOND. Something like that.

Mr. KENNEDY. A marble; not a slug.

Mr. DESMOND. I am not sure it was a marble.

Mr. KENNEDY. Your report says it was a marble.

Mr. DESMOND. All right. Then it was a marble.

Senator GOLDWATER. May I ask a question? Did you list these cases as strikers or nonstrikers?

Mr. DESMOND. No, sir.

I did not.

Senator GOLDWATER. Where was the trial held for these two men who threw the paint through the mayor's window?

Mr. DESMOND. It seems to me, Senator, that it was in a justice court in either Sheboygan or Sheboygan Falls.

I can't state definitely.

Senator GOLDWATER. Do you recall any findings of the court as to who these men might be?

Mr. DESMOND. I don't recall, Senator. I do know their names, however. I think their names was Shraeder.

Senator GOLDWATER. Would it be possible for you to find out the name of the court so that we might attempt to get a transcript of that trial?

Mr. DESMOND. I think it would be very easy to do that, Senator.

Senator GOLDWATER. Mr. Chairman, would it be out of line to suggest that we get a transcript of that, not for exhibit purposes, but just for investigative purposes?

Mr. DESMOND. Senator, might I make a statement in that regard? I am not sure whether justice courts in our State—well, I don't think that they have any record. That is the point. It is not a court of record.

The CHAIRMAN. What you mean is they do not have a transcript of the testimony?

Mr. DESMOND. That is right. It is not a court of record.

The CHAIRMAN. They have a docket entry or a judgment entry showing the disposition of it.

Mr. DESMOND. That is right. But in some of these cases a transcript was made, and it is possible that in this particular case there is one.

Senator GOLDWATER. With the permission of the chairman, if you will funish us with the name of the court, we can try to find out if they made a transcript.

Mr. DESMOND. Yes, sir.

The CHAIRMAN. We can contact the court, if you will give us the name of it, and ascertain whether a transcript might be made available or if there is one in existence.

Mr. DESMOND. All right, sir.

The CHAIRMAN. Go ahead.

Mr. DESMOND. I just wanted to point out a few cases, Senator, of acts of interior vandalism, and I have some others here.

The CHAIRMAN. The Chair has given you that permission. Go right ahead.

Mr. DESMOND. Another case of interior damage was to a man by the name of Frederick Kuehlman. He is a man who had more than 25 years of service to the Kohler Co., and who, incidentally, is a cripple. He has something wrong with his feet. It is not that that has anything to do with it, but I am pointing that out. He had some interior damage to his home, where a paint bombing of one kind or another was thrown through his window. It damaged his rug, very severely. It hit the side of the wall. It smashed over the furniture.

He, incidentally, also had several acts of violence against him. His tires were slashed once, and there were other acts of vandalism to his home.

If I remember correctly, there were about four to that man.

The CHAIRMAN. These affidavits and documents that you are now referring to are part of the large exhibit 40?

Mr. DESMOND. That is correct.

Senator McNamara. In connection with the one that you just testified to, did the company buy new tires for the individual in the case where the tires were slashed?

Mr. Desmond. Senator, I don't know at the moment. I can only say that he did not have insurance, and I think that the company did.

Senator McNamara. Thank you.

Mr. Desmond. Another case was the employee by the name of Gilbert Charles.

Senator Goldwater. Before you leave that last one, I notice that in looking over the 844 acts of violence, there was quite a number involving slashed tires or punctured tires. Could you give us any idea how these tires were punctured?

Mr. Desmond. Well, I recall sometimes a very sharp object, such as a knife, was used in slashing the sidewall. In other cases, I recall—I recall once where a very pointed stick about that long [indicating] where the stick had been pointed, was propped in front of the car while it was parked, and when the car went over it, it worked its way into the tire and punctured the tire. I think generally I would say that the slashing of tires was done by a sharp instrument of some kind, similar to a knife.

Senator Goldwater. I noticed that there were a large number of these tire cases as being punctured by tacks or nails.

Is that true?

Mr. Desmond. Yes, there was a very large number of tires that were flattened out by roofing nails.

Senator Goldwater. What kind of nails?

Mr. Desmond. Roofing nails. They were used to a very large degree. First they had galvanized, and they would strew them around on the road leading to the company plant. Every day, for a long period of time, our company had to send out our tractor where it had a big magnet attached to the front of it in order to pick up all these tacks that were thrown on the driveway to the entrance to the company parking lot. In addition to that, and later, they threw aluminum roofing nails, and the magnet could not pick them up, so our men had to go out and pick them up by hand, in order to prevent our workers from driving over them and getting flat tires. It was nothing for a worker to come out of work about 3:30 and find a flat tire.

Sometimes there would be 3 and 4 flat tires in the yard. It got to such a point, Senator, that what we did was we had a crew of men do nothing except go around to each and every one of these cars in our parking lot and examine them and take the tire off the car and have it repaired in our own garage. In some instances, the man would come out and he wouldn't even know that the tire had been repaired.

Mr. Kennedy. On that, did you include in this 840 instances where there were tacks or nails put on driveways?

Mr. Desmond. There were some.

Mr. Kennedy. Even where there had been a flat tire that resulted?

Mr. Desmond. We did not include all flat tires in this.

Mr. Kennedy. How many of the 840 were instances dealing with tires or where there were nails put on?

Mr. Desmond. I would have no idea, Mr. Kennedy.

Senator GOLDWATER. For counsel's information, I checked that list rather carefully after Mr. Rauh suggested that I do that, and I believe there are 19 cases in there that just refer to a flat tire, which has no reference to tacks or knives. But there is a large number that just says flat tire, with no explanation.

I think if counsel will check through the list, he will find a considerable number of the 844 as tires punctured by slashing or tacks or other means.

Mr. KENNEDY. We found, adding them up, that there were some 280 different instances dealing with either tacks put on, nails found in driveways, or with knives.

Senator GOLDWATER. Just remembering it, I would say that would be very close to it. The 19 I remember just said flat tire.

Senator CURTIS. May I inquire?

Of that 280 where it involved some damage to tires, in some of those cases was there other vandalisms?

Mr. KENNEDY. No. These are all separate acts of vandalism.

The CHAIRMAN. Proceed.

Mr. DESMOND. Another case, Senator, was the case of Gilbert M. Charles, who was a new employee of the Kohler Co. His house was also vandalized on the interior by a paint bomb, and the photographs are attached to the affidavit.

He also had other acts of vanadalism perpetrated against him. Windows were broken. I can't recall the others, but there were a few others.

Senator CURTIS. I want to ask you this question. You are a practicing attorney in the State of Wisconsin?

Mr. DESMOND. Yes, sir. Well, I will qualify that. It depends upon what you mean by a practicing attorney. I am an employee of the Kohler Co. I have no private practice.

I am a member of the bar, however.

(At this point, Senator Goldwater withdrew from the hearing room.)

Senator CURTIS. Apparently not many of these cases reached the point of trial. But under the Wisconsin law, what could these people be charged with, where material such as a paint bomb, whether it is a light bulb or the mason jar, is thrown through a window and the damage done inside?

What sort of offense is that under Wisconsin law, do you know?

Mr. DESMOND. I think it would be malicious destruction of property, if I am not mistaken.

Senator CURTIS. It would be no greater offense, the fact that it was a residence?

Mr. DESMOND. I don't think so; no, sir.

Senator CURTIS. Or that there had to be a breaking in order to commit the vandalism inside? There would have to be, wouldn't there?

Mr. DESMOND. You mean a breaking to what extent, Senator?

Senator CURTIS. Breaking the window or breaking the door.

Mr. DESMOND. No, I don't think the Wisconsin law distinguishes between exterior or interior damage. I think damage to property, whether it is an automobile or the house or the interior or exterior does not make very much difference.

It is still malicious destruction of property.

(At this point Senator Goldwater entered the hearing room.)

Senator CURTIS. And whether or not that would be a misdemeanor or a felony would depend upon the amount of the damage? Or is it a misdemeanor only?

Mr. DESMOND. I think it is a misdemeanor. I am not a criminal lawyer, however, and I have not gone into that to any extent.

Another case was Raymond Phiffen. He also had the interior of his home damaged by paint bombs. The photographs here are quite illustrative of the extent of the damage. In addition, he had also a window broken by a steel ball. I just happen to have one here of the type. I think it is his, as a matter of fact.

This is the kind of a ball that they used. It might even be lead. I think it is a lead ball.

The CHAIRMAN. Used for what?

Mr. DESMOND. It was used against Raymond Phiffen, the one I just mentioned. I have an envelope that says, "From Ray Phiffen" and I think he brought that to my office at the time.

The CHAIRMAN. Was that shot into his house?

Mr. DESMOND. I am not sure whether it was shot into his house. It might have hit the building, Senator, and dropped down. A lot of these things did not go into the window. Sometimes one would go into the window or two.

The CHAIRMAN. What was the means of propulsion? Were they shot out of a gun?

Mr. DESMOND. That I don't know, sir.

The CHAIRMAN. Or thrown?

Mr. DESMOND. No, sir; I am reasonably sure that it was not thrown. It went in quite frequently with a high degree of force, to go all the way across the room and sometimes make a very dented impression on the far wall of the room.

The CHAIRMAN. It would go through the window?

Mr. DESMOND. Yes, sir.

The CHAIRMAN. And it would break the window?

Mr. DESMOND. Yes.

The CHAIRMAN. It was used to break the window?

Mr. DESMOND. Yes, sir; it was used to break the window and anything else that might be in its path, too.

The CHAIRMAN. Just looking at it, it would make a very good load for a slingshot or a bean shooter, as I used to call it.

You have no way of knowing how it was employed, other than it was found on the premises?

Mr. DESMOND. The only thing I can say, Senator, is that when it did go through windows, it went in with a high degree of force, from the stresses I made of the interior damage to the property.

The CHAIRMAN. All right.

Mr. DESMOND. I do not want to take the committee's time to go through all of these acts. I just wanted to give an additional sample to the committee of the type of interior damage which was in addition to the testimony that was given to the committee this morning.

The CHAIRMAN. You may proceed.

Mr. DESMOND. I have no further comments.

The CHAIRMAN. Have you any questions, Mr. Kennedy?

Mr. KENNEDY. I don't have any questions about that.

Have you finished about the acts?

Mr. DESMOND. Yes, I have, sir.

The CHAIRMAN. Senator Goldwater, did you want to ask a question?

Senator GOLDWATER. Yes. Relative to some statements made this morning, during the testimony of Mr. Rose—I think that was the first witness' name—we got into a discussion of hoaxes. The Joyce incident was brought up and an attempt was made to introduce testimony into the record of a Mrs. Joyce.

At that time I objected because I felt we should have a full explanation of this before it was accepted as evidence.

What are the circumstances surrounding the Joyce incident?

Mr. DESMOND. The circumstances surrounding the Joyce incident, Senator, are these:

I received a telephone call in my office one morning from the employment office, stating that the man was over there reporting that he had shot at a man at his home out on the farm.

I told them to send the man over to my office so that I could interrogate him. He told me that the night before, or if it was 2 nights before—I don't know exactly because I have not refreshed my recollection on it—he had heard someone prowling around in his garage, which was kitty-corner from the end of his house.

He said he got his shotgun and opened the door of the little vestibule that goes into his house, and discharged the shotgun at a man whom he saw coming out of the garage some distance away from the door, and he heard the man yell and the man ran away.

I then went out with Mr. Joyce to his home, which is somewhere in the vicinity of Cascade. It is not too far from Cascade, something like 15 or 20 miles away from Kohler. He was renting a house in a rural area.

I had him show me where the man came out of, and what he did. Then I went back to Kohler and discussed it with Mr. Conger.

A man by the name of Al Adams, who was an associate of Elmer Matson, of the Matson Detective Agency, and I went out with Mr. Joyce and a photographer. We had him reenact for us exactly what happened. Mr. Matson and I made a very thorough examination for evidence of shot, the pellets from the shotgun.

We went inside the barn, and that is where he stored—it was an old barn. It wasn't used for a barn, because it wasn't operated as a farm, but he stored his car in there. We made a very thorough examination of the floor in there to see if we could come up with any evidence of shot.

We examined the door of the barn. I will refer to it as a barn, because that is what it actually was used for at one time. We could find no identification of the shot. We examined the ground in front of the door of the barn, and could find no evidence of any shot.

We went back to Kohler and discussed it with Mr. Conger again. Mr. Adams and I again went out to Joyce's house, and we discussed this matter with him, that we were unable to find any evidence of the shots. If he had discharged a shotgun, there would be some evidence there.

We examined the whole area. It was in the wintertime, if I remember correctly. He said that after he had shot the gun the man ran to the east, and Mr. Adams and I went over the whole area looking for footprints. We could not find any.

We then had Mr. Joyce go around the building to a different location and had him stand the same number of paces away from the door where he claimed this man came out, and his screen door, and had him fire a few shots into that side of the barn in order to get the pattern that would be made by the shotgun at that distance.

He did that. We went back and we discussed it again. We were very much of suspicion that the man was not telling the truth, because the facts just did not bear it out. We decided to have him take a lie-detector test, and the man voluntarily did so at our instance, and the lie detector test was made, if I remember correctly, up at Wausau, Wis.

The results of the lie detector test showed that the man was lying, and we completely dropped it from then on.

Senator GOLDWATER. Did three Kohler men tell Mr. Joyce to shoot his gun against a garage?

Mr. DESMOND. Yes; I told him that. I was one of the ones. Mr. Adams was there, I was there, and I think the photographer was there. In order to get the pattern on the side of the barn, so that we could tell where to look for the shots that he claimed he fired at this man, we wanted to see what kind of an impression it made on the side of the barn.

Senator GOLDWATER. Did you give this man a lie-detector test?

Mr. DESMOND. Yes, sir.

Senator GOLDWATER. What did the lie detector test show?

Mr. DESMOND. I don't know the exact terminology of it, but it indicated in substance that he was not telling the truth. He admitted it afterward, Senator.

Senator GOLDWATER. He admitted it?

Mr. DESMOND. He admitted it afterward.

Senator GOLDWATER. Mr. Chairman, this morning Mr. Rauh wanted to have this statement of Mrs. Joyce introduced into the record, and I didn't object to it being introduced, but wanted it withheld until we heard the story.

Having heard the story, I have no objection to it being introduced into the record. In fact, I ask that it be introduced into the record.

The CHAIRMAN. Do I understand that this fellow Joyce later admitted that he had misrepresented the facts to you?

Mr. DESMOND. That is right, sir. He didn't admit them to me, but he admitted them to the man who took the lie-detector test at Wausau. I was not along at that time.

The CHAIRMAN. In other words, he was given a lie-detector test, and after having taken that test, he admitted, himself, that he hadn't told the truth about it?

Mr. DESMOND. That is right, sir.

The CHAIRMAN. That there had been no one there, and he had not shot at anyone?

Mr. DESMOND. That is right.

The CHAIRMAN. So, therefore, according to your best information, the statement is substantially correct, of the wife?

Mr. DESMOND. Yes. But that statement does not say, Senator, that representatives of the Kohler Co. told him to shoot at the barn in order to create a hoax of any kind.

The CHAIRMAN. According to the statement, he does say that the three Kohler men told him to shoot his gun against the garage.

Mr. DESMOND. That is right. We certainly did; yes, sir. We admit that. As I explained, it was in order to get the pattern.

Senator, might I say this: that was after the man allegedly said——

The CHAIRMAN. This shot, then, when you had him shoot his gun against the garage, was after he had given you the story?

Mr. DESMOND. Yes, sir.

The CHAIRMAN. And you were getting him to demonstrate how the thing happened?

Mr. DESMOND. Yes, sir.

The CHAIRMAN. And he later admitted that all of it was a fraud?

Mr. DESMOND. Right.

The CHAIRMAN. Without objection, then, the newspaper account and also the statement of Martha Joyce will be filed as exhibits Nos. 41 and 41–A, for reference.

Mr. CONGER. Might I have the privilege of seeing that newspaper account? I was just going to ask to introduce one in evidence myself, maybe it is the same one.

The CHAIRMAN. It might be the same one. This says Sheboygan Press, January 7, 1955, and another one is Sheboygan Press, January 8, 1955.

Mr. CONGER. I have one from Sheboygan Press, Saturday, January 22, 1955, that I would ask the committee to receive in evidence also.

The CHAIRMAN. All right, we will receive this, and all three of them may be made exhibits Nos. 41–A, B, and C.

(Documents referred to were marked "Exhiibts Nos. 41–A, B, and C," for reference and may be found in the files of the select committee.)

Senator CURTIS. The witness Rauh this morning made a statement this morning in regard to this, and I believe passed what purports to be the statement of Martha Joyce out to the press. It was my understanding, and I do not wish to do the witness Mr. Rauh an injustice, but he presented it to the committee as evidence of Kohler men participating in a hoax.

I wonder if Mr. Rauh has any further statement?

Mr. RAUH. He certainly has. In the first place, we are glad at long last to hear the Kohler Co. admit in public, and under oath, that there were hoaxes in this entire matter of vandalism. This is the first time Kohler has ever admitted anywhere that there were hoaxes.

Senator CURTIS. Just a minute. I mean about this statement here.

Mr. RAUH. I am coming to that. In the second place, Senator Curtis, there is a conflict in testimony between Mr. Desmond and this statement of Martha Joyce, and I suggest you call Martha Joyce and ask her whether the Kohler Co. was involved in the hoax.

There is no question there was a hoax, and there seems to be some question whether the Kohler Co. was involved, and I suggest you call Martha Joyce, whose statement I hold in my hand, and whose statement seems to indicate that the Kohler Co. was involved in the hoax.

Senator CURTIS. Now, I am asking you. You have circulated this here, and you presented it with this statement underlined:

> Three Kohler men told him to shoot the gun against the garage.

This may have left the impression with many that that shooting was done as a part of the deception. We now have the sworn testi-

mony that the shooting was done afterward in an attempt to reconstruct how it was done. Now, is it still your contention that three Kohler men, or any Kohler men, participated in a hoax in this instance involving the Joyce place?

Mr. RAUH. Senator Curtis, I will now read you—

Senator CURTIS. I want to know.

Mr. RAUH. You make speeches, and now I have a chance to answer.

Senator CURTIS. I asked you if you still contend whether or not Kohler was involved in a hoax in this particular instance.

Mr. RAUH. I do, and I would like to read my answer.

Martha Joyce, the day after the incident, and not now a long time afterward, said as follows:

> I know, however, that Henry was in bed or with me throughout the night, and I know he didn't get out of bed to shoot his gun at anybody. If he would have gotten up, I would have awakened, and further, if there would have been a shotgun blast, I certainly would have heard it. The three Kohler men told him to shoot his gun against the garage.

That is all in one paragraph. I haven't talked to Martha Joyce, and I think that you ought to call Martha Joyce. I think that there is a conflict of testimony between Martha Joyce and Mr. Desmond.

Senator CURTIS. No, I think not. I think Mr. Desmond testified that he came to the conclusion that the story was untrue. I think Mrs. Joyce's statement indicates that the story was untrue. There is no discrepancy.

Mr. RAUH. I think that there is, Senator, and I point out to you that the letter which was given out here also without being introduced to the district attorney, telling this story, is 2 weeks after this event. Martha Joyce's statement is the day after. Kohler made its statement to the district attorney on January 20, exactly 12 days after this.

I think there is a conflict, and the committee ought to get to it, and I suggest you call Martha Joyce to resolve it.

The CHAIRMAN. The Chair has heard the suggestion, and the committee determines that, who it shall call, and I think there is a great deal being said and time wasted here over something that is not greatly material. Let us proceed.

Senator CURTIS. Mr. Chairman, I would just like to state this: That Mr. Rauh circulated an unsworn statement here and that it is presented in what he says is in conflict with the sworn testimony of Mr. Desmond.

Now, the effect of it is that both people contend that Mr. Joyce's story was not true. I was hoping that Mr. Rauh would retract his statement, or the inference in his statement that the three Kohler men had assisted in perpetrating a hoax.

Mr. RAUH. I have no statement except what Mrs. Joyce said, and she implies in here, it not directly states, that the Kohler Co. was involved in this hoax. I would suggest again, Senator Curtis, if you want to find out the truth, why don't you call Mrs. Joyce?

Maybe Mr. Desmond is correct, and maybe there is a mistake here. I don't know, but this statement certainly conflicts with Mr. Desmond's testimony.

Senator GOLDWATER. Mr. Rauh, would you answer a question there? Would you answer "Yes" or "No"? Is this a sworn statement that you have presented to this committee?

Mr. RAUH. This is a statement——

Senator GOLDWATER. I asked you if it was a sworn statement. Is it a sworn statement?

Mr. RAUH. No, it is a statement to the district attorney the day after the event. I believe a statement to the district attorney the day after the event is usually accepted, particularly when it is against your own interests.

This was an admission by Mrs. Joyce, and in legal parlance, Senator Goldwater, is an admission which is something which is almost always accepted against the party. This was an admission by Mrs. Joyce.

Senator GOLDWATER. But it was not a sworn statement and we have had sworn testimony here now, and do you want to swear to anything that you are offering?

Mr. RAUH. I will swear that is a true copy of what Mrs. Joyce told the district attorney.

The CHAIRMAN. Gentlemen, the only thing at issue is whether three Kohler men helped perpetrate the hoax. That is all there is at issue.

Senator GOLDWATER. Mr. Chairman, might I suggest that we get this cleared up and we ask the district attorney and Mrs. Joyce to come down here and be sworn and be interrogated on this point?

I think this has an important bearing on the case, because this case is going to drag out, and Mr. Rauh is going to be with us a long time, and I want to have the type of testimony that he is offering carefully scrutinized.

Mr. RAUGH. I think it would be nice now to have once and for all accepted that there were hoaxes perpetrated in Sheboygan, and a good deal of the vandalism was not responsible but were actual hoaxes.

The CHAIRMAN. If it will help to expedite this hearing, the Chair now declares that all parties agree that a hoax was perpetrated.

Mr. RAUH. Good.

The CHAIRMAN. May we proceed?

Senator GOLDWATER. Can we find out who the hoax was perpetrated by? I think that has a bearing on it.

The CHAIRMAN. I think it is pretty well established. It is by Mr. Joyce.

Senator GOLDWATER. Well, Mr. Rauh has attempted to leave the inference that the Kohler Co.——

The CHAIRMAN. The Kohler Co. denies it and they are here.

Senator GOLDWATER. In fairness to Mr. Rauh's reputation, I think we should ask the district attorney and Mrs. Joyce to come down here to testify.

The CHAIRMAN. We are spending Government money, and I am willing, if you suggest, to have Mrs. Joyce, to have a subpena for her and bring her down here at Government expense. But I do not know that the district attorney would add to it, except she gave him this statement.

Would it be necessary to have him here to testify that she gave him the statement, which she will probably say she did give him?

Senator GOLDWATER. I would leave that up to the legal judgment of the Chair.

The CHAIRMAN. In all fairness, I see no necessity at this time for having the district attorney.

Senator GOLDWATER. I will settle for Mrs. Joyce.

The CHAIRMAN. The clerk will bring around a subpena, and the Chair will issue a subpena now for Mrs. Joyce. Now let us proceed.

Mr. CONGER. Might I have just one-tenth of the time Mr. Rauh has taken?

The CHAIRMAN. I will make it one-tenth.

Mr. CONGER. He has again made a distortion of what is in this statement he is talking about. This statement says that this is a statement that on the midnight of January 4, 1955, inferring that that is when this thing took place. The statement is dated January 8, 1955, and he has repeatedly stated on this record that this was a statement given the day after. I submit the statement itself rebuts that.

The CHAIRMAN. I submit that the statement is now public information for everyone to read, and they can make their deductions and draw their conclusions and form opinions and so declare them.

Now let us proceed.

Mr. RAUH. We have some questions we passed up, Mr. Chairman, to Mr. Kennedy.

The CHAIRMAN. I thought maybe there were some further questions.

Let me see. Has the staff checked to see how many of these incidents were reported to the police department?

May I inquire, do we have a report from the police department as to how many of these acts of vandalism were reported to the police department? Do you have that informataion?

Mr. DESMOND. Me, sir? No, but in that connection I would like to make this statement: In questioning people regarding this vandalism in every case I asked them whether it was reported to the sheriff if they were out in the county or the police if they were within the city.

Quite frequently, as the affidavits will speak for themselves, they said, "Yes," but in many, many cases they said, "No, I did not. Why should you report it to the sheriff's department? They don't do anything anyway."

The CHAIRMAN. Do the affidavits you have filed reflect in most instances whether they said they had or had not reported it?

Mr. DESMOND. I cannot say; in most instances, no, but they do in many instances, Senator.

The CHAIRMAN. I do not think it is important to have the exact number, but if we can get it, all right.

Mr. KENNEDY. I think Mr. Adlerman can check that.

The CHAIRMAN. Have you checked that?

Mr. ADLERMAN. I have had it checked in the office by some of the staff members.

The CHAIRMAN. Come around and be sworn.

Mr. DESMOND. Shall I move out of the chair, Senator?

The CHAIRMAN. Now, we will let you be at ease for the moment.

Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. ADLERMAN. I do.

TESTIMONY OF JEROME ADLERMAN

The CHAIRMAN. State your name.

Mr. ADLERMAN. My name is Jerome Adlerman.

The CHAIRMAN. You are on the staff of this committee; are you not?

Mr. ADLERMAN. I am.

The CHAIRMAN. On loan from the Senate Permanent Subcommittee on Investigations?

Mr. ADLERMAN. Yes, sir.

The CHAIRMAN. As assistant counsel to this committee, have you made a check with respect to determining how many of the incidents—we are talking about this vandalism—were reported to the police department? I assume counsel also means to the sheriff's office, or either.

Mr. ADLERMAN. I have asked the Police Department of Sheboygan to submit to us their records showing the number of complaints that they had resulting from this vandalism, and I have also made the same request of the sheriff's office of Sheboygan County.

According to the computation made by the staff members under my direction, there were 636 complaints connected with the strike.

Mr. KENNEDY. During what period?

Mr. ADLERMAN. From 1954 through 1957.

The CHAIRMAN. There were 636 complaints of vandalism during that period of time?

Mr. ADLERMAN. That is right.

Mr. KENNEDY. Complaints to whom?

Mr. ADLERMAN. Complaints of both strikers and from nonstrikers.

Mr. KENNEDY. To whom?

Mr. ADLERMAN. These were made to the Police Department of Sheboygan.

Mr. KENNEDY. There were 636 to the police department?

Mr. ADLERMAN. Yes, sir.

The CHAIRMAN. How many were made to the sheriff's office?

Mr. ADLERMAN. To the sheriff's office for 1954, 1955, and 1956, there were 202 complaints.

The CHAIRMAN. How many is that?

Mr. ADLERMAN. That is 202 complaints.

The CHAIRMAN. Now, you have no way of knowing how many of those were duplicate?

Mr. ADLERMAN. No.

The CHAIRMAN. Where they may have been reported to both?

Mr. ADLERMAN. Well, I assume that those that occurred in the city of Sheboygan would be reported to the police department of the city and those that occurred outside of the city and county would be reported to the sheriff's office.

The CHAIRMAN. There is no way to be certain about that?

Mr. ADLERMAN. No.

The CHAIRMAN. At any rate, there were a good number reported, 636 and 202?

Mr. ADLERMAN. However, I think that we should notice that out of these, these are complaints, and they are not acts of violence, and out of the complaints apparently 258 involved actual acts of vandalism for the police department, by complaints of nonstrikers, and from 1954, 1955, and 1956 and 1957.

The strikers at the same time had 30 acts of violence committed against them.

The CHAIRMAN. The strikers reported 30 acts of violence against them, and the nonstrikers reported 259 acts of violence against them?

Mr. ADLERMAN. Yes; the balance of the complaints are such things as phone threats, or prowlers, or suspicious cars, or merchandise sent to the home and so forth.

The CHAIRMAN. The reports you received from the police department and also from the sheriff's office may be made exhibit No. 42 for reference.

(The documents referred to were marked "Exhibit No. 42" for reference and may be found in the files of the select committee.)

The CHAIRMAN. You have given a compilation of the figures which you have?

Mr. ADLERMAN. Yes.

Mr. KENNEDY. How many acts of actual violence would appear to have occurred as arising out of the strike during this 4-year period, from the reports that were made to the police department?

Mr. ADLERMAN. To the Police Department of Sheboygan City, 289 cases; an analysis shows 289 cases which actually involved some type of vandalism.

Mr. KENNEDY. How many to the sheriff's office?

Senator CURTIS. Did you say vandalism?

Mr. KENNEDY. Any kind where there is some property damage.

Mr. ADLERMAN. One hundred-fifty for the years 1954, 1955, and 1956.

Mr. KENNEDY. That would include both strikers and nonstrikers?

Mr. ADLERMAN. That is correct.

Mr. KENNEDY. And it would appear from the records that the ratio of those against whom the acts were perpetrated was approximately 8 to 1 against the nonstrikers?

Mr. ADLERMAN. That is correct.

Mr. KENNEDY. Have you made any compilation? The Kohler Co. had a record of 840 acts of violence.

Mr. ADLERMAN. We had those checked as best we could against the names in the police department and 105 cases out of the 836 cases on that list were reported to the Sheboygan Police Department.

We have no way of knowing how many cases were reported out of that list to the sheriff's office, since the sheriff's office list did not contain any names.

Mr. KENNEDY. Would it appear from the other records that you have made a study of, that most of the acts of violence occurred in the city of Sheboygan?

Mr. ADLERMAN. It is my belief, and I base that on the fact that the witnesses that we had in the last 2 days, I think we had 16 witnesses who testified as to the types of vandalism, and I think about 10 or 11 lived within the city limits of the city of Sheboygan and about 5 lived in the outlying county.

Mr. KENNEDY. So you consider about two-thirds of the acts of vandalism were perpetrated in the city of Sheboygan?

Mr. ADLERMAN. That would be my conclusion.

Senator CURTIS. Would your analysis of those statistics indicate that there were some acts that were reported to the police officers or to the sheriff that were not included in the list provided by the Kohler Co.?

Mr. ADLERMAN. I have no way of knowing, Senator.

Senator CURTIS. I see.

Mr. ADLERMAN. It is possible, but I have no way of knowing. As a matter of fact I would say "Yes" because, for example, the vandalism perpetrated against the striker would not be included in that.

Senator CURTIS. Did you gather any figures as to convictions or pleas of guilty?

Mr. ADLERMAN. We have some data on that and I have not analyzed it very thoroughly, but it seems to me that there were very, very few convictions. There were a great many cases where they were tried, where the cases were dismissed, or they were adjourned and no action taken.

Senator CURTIS. A fact which probably would cause a lessening of the number that would be reported to authorities as time went on.

Mr. ADLERMAN. I think that had a great deal to do with the number of arrests that were made because I think that they felt perhaps it would not get a result.

TESTIMONY OF GIRARD A. DESMOND, ACCOMPANIED BY HIS COUNSEL, LYMAN C. CONGER—Resumed

Senator CURTIS. Mr. Desmond, do you have any information as to why the people did not report these things to the police and the sheriff?

Mr. DESMOND. From my knowledge, Senator, after having talked to these various people who were vandalized, non-strikers, they had in their own mind an opinion that the sheriff of Sheboygan County was definitely in favor of the strikers.

They had no confidence in the sheriff, and many of the people would come to me and say, "Why should I report this to the sheriff? He wouldn't do anything about it anyway."

It was the same with the police department. In many instances the people would say, "They won't do anything about it anyway." In every one of those cases, I would always tell them that, "It doesn't make any difference what you think. The sheriff's department, even though you might think he is favorable to the strikers, is a law-enforcement agency and these things should be brought to that department's attention."

It was the same with the police department. I always told them that, "Regardless of what you think, the police department should know about this so that they can take some steps to do something."

That is why in many cases they never reported to the police department or the sheriff's department and I might also mention this: There were many cases outside of the jurisdiction of the city of Sheboygan, many cases in Sheboygan, and I don't know whether Mr. Adlerman's report included any reports from the Sheboygan Falls Police Department.

There were many cases out of the county. On one morning I investigated four cases of vandalism, of paint bombs on homes outside of the county of Sheboygan. There were many cases outside of the county of Sheboygan.

(At this point, the following members were present: Senators McClellan, Ervin, McNamara, Curtis, and Goldwater.)

Senator CURTIS. People that had driven 25 miles or more to work?

Mr. DESMOND. Yes, sir.

Senator CURTIS. And those people gave affidavits which are included in exhibit 40, and also in the list that is printed in the record?

Mr. DESMOND. If I made the investigation, Senator, outside of the county of Sheboygan, I did not take an affidavit, because I am a notary public in Sheboygan County. I took a statement. But in cases where I interrogated them and investigated in Sheboygan County, there is an affidavit, because I am a notary.

Senator CURTIS. This exhibit has all affidavits?

Mr. DESMOND. No, sir; it has some statements as well.

Senator MCNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator MCNAMARA. Isn't it generally a requirement of the insurance company before they make a settlement in a case, that it must be reported to the police authorities?

Mr. DESMOND. I don't think so, Senator. I don't think it is.

Senator MCNAMARA. In my experience with car thefts or things stolen from the car, it is always a requirement of the insurance company before they make any settlement, that you do report to the police authority. I thought that was pretty good practice, and generally assumed it to be true.

Did the Kohler Co. require of these people, where they assumed the responsibility, the financial responsibility for the damage, that the case be reported to the police?

Mr. DESMOND. We made no requirement as such. As I mentioned, I always told the people when they came to see me, that they should report it to the law-enforcement authority, regardless of how they felt. That is one thing they should do. It was a crime, a misdemeanor, if you will, and the police and sheriff should know about it.

Senator MCNAMARA. I think you indicated that you feel strongly about this, but while you were agreeing for the company to pay for these things, you had a good instrument to make them report it to the police. Otherwise, you wouldn't pay them for their tires and things. I think if you felt so strongly then as you do now, you should have required these people. I think may be it was a mistake that you didn't.

Mr. DESMOND. In that connection, Senator, I felt this: I felt that there might have been some justification for the people who felt that way.

Senator MCNAMARA. Even though there were, you had a chance to insist on them reporting it to the police department, which wouldn't do you any harm. Or would it?

Mr. DESMOND. Let me make this statement, if I may. I took the affidavit or the statement after vandalism had occurred. I told them "Now, you didn't do it. The vandalism has happened. But if it happens again, please tell the police department."

I had no opportunity to say, "Tomorrow, report it to the police department," because I didn't know just what was going to happen to them.

Senator MCNAMARA. The insurance companies do it all the time. I don't know why you couldn't. If I make a claim a week later, they say, "You report it to the police or we will not pay the claim."

I think it is just good sense. I don't know why you didn't do it. I am surprised that you didn't do it.

Mr. DESMOND. I don't think it has any connection.

Senator McNamara. That is all.

The Chairman. Did you make a compilation of the amounts paid to each claimant for vandalism, which your company paid?

Mr. Desmond. I don't think I did, Senator.

The Chairman. Then you cannot testify to it?

Mr. Desmond. No. I can't testify to what you have in your hand.

I produced it to Mr. Bellino, but I didn't prepare it. I produced it for the company. I think Mr. Conger might be able to testify to it.

The Chairman. Can you testify to it?

Mr. Conger. I believe I can. I think I produced it, rather than Mr. Desmond. Mr. Desmond was just the messenger of bringing it over.

Mr. Desmond. I was the means of getting it into Mr. Bellino's hands.

The Chairman. Have you been sworn?

Mr. Conger. Yes.

The Chairman. You remain under the same oath.

TESTIMONY OF LYMAN C. CONGER—Resumed

The Chairman. Mr. Conger, you have before you the original list giving names, dates, and amounts to the people, your employees, to whom you paid reimbursements for damages they sustained by reason of the vandalism?

Mr. Conger. Yes, sir.

The Chairman. Have you supplied that to the committee?

Mr. Conger. I supplied that to the committee.

The Chairman. Do you have that original list before you that you supplied?

Mr. Conger. I have.

The Chairman. According to your best knowledge and belief it is accurate and correct?

Mr. Conger. Yes. It was made up by our accounting department, and to the best of my knowledge and belief, it is entirely correct.

The Chairman. I present you here what appears to be a photostatic copy of it, which I should like to use for the record instead of the original, if you can verify that. Does that appear to be a photostatic copy of it?

(The document handed to the witness.)

Mr. Conger. Yes. I am sure that is a photostatic copy.

The Chairman. The photostatic copy of that will be made Exhibit No. 43, for reference.

(The document referred to was marked "Exhibit No. 43" for reference and may be found in the files of the select committee.)

The Chairman. I believe it shows a total of $21,297.88, am I correct?

Mr. Conger. That is correct, sir.

The Chairman. But included in that total are some items of rewards paid. I think the total awards paid is $1,500. Am I correct?

Mr. Conger. The total of rewards paid is $1,500. I, frankly, have not checked this to see whether that is included in that total of $21,000 or not, but the figures will show whether it is or not.

The Chairman. I am a little confused about whether the rewards paid, the $1,500, is in addition to the total of $21,297.88?

Mr. Conger. I cannot answer that question, correctly, Senator, without——

The CHAIRMAN. According to our staff, $1,500 total amount of rewards paid is in adition to the $21,297.88.

Mr. CONGER. I would accept that if that is what the staff found.

The CHAIRMAN. That is what the staff says. Now we have each item that you paid out in the record as an exhibit and also the total.

Senator MCNAMARA. What period of time, Mr. Chairman, does this cover?

The CHAIRMAN. I do not have it before me. Will you state the beginning to the last payment?

Mr. CONGER. I can check it in a moment.

The CHAIRMAN. It seems to have started on July 21, 1954—am I correct? I think you will find it on the last page.

Mr. CONGER. Somebody has changed the order of these pages, Senator.

The CHAIRMAN. Well, according to this photostatic copy I have in my hand, the first payment was made on July 21, 1954, to Linda L. Dohl of Cleveland, Wis., in the amount of $12.18.

Mr. CONGER. Yes, Senator, I have located that now, and that is correct.

The CHAIRMAN. And according to the photostatic copy I have, the last payment was made on December 5, 1957, to John Bosma, in the amount of $14.10.

Mr. CONGER. That is correct.

The CHAIRMAN. You have found that and you verify it by the original?

Mr. CONGER. That is correct.

The CHAIRMAN. The staff has checked, and if anyone wants this verified—of course, then it reflects itself, whatever the facts are, but according to the staff's examination of it, claims paid under $5 were 88 in a total amount of $210.71.

Claims paid $5 to $25, 114, amounting to $1,529.60. Claims paid from $25 to $50, 46, amounting to $1,580.76. Claims in the amount of $50 to $100, 39, totaling $2,750.36. Claims paid of $100 or more, there were 55, amounted to $15,226.46, or a grand total for all of them of $21,297.88. The total number of claims, I believe, amounts to 342. I believe now we have the record complete. If the Chair has made an error, a check on the exhibit itself will correct it.

TESTIMONY OF GIRARD A. DESMOND—Resumed

The CHAIRMAN. Is there anything further?

Senator Ervin?

Senator ERVIN. I was unable to be with the committee all the time, and this question may have been asked and answered.

As a general rule, were the persons from whom you obtained affidavits or statements concerning acts of vandalism able to identify the perpetrators of those acts?

Mr. DESMOND. Not by name, Senator. Sometimes they would see somebody running away from the home, sometimes they would see them get into the car and the car would speed away.

Never by name. It would always happen at night and they were unable to get the name.

Senator ERVIN. So even if you had a diligent law-enforcement officer there, it would have been a difficult task in many cases to ever ascertain the identity of the party to apprehend them, wouldn't it?

Mr. DESMOND. If they were there to apprehend them, they could get it, the identity.

Senator ERVIN. You mean if they had been on duty at the time?

Mr. DESMOND. Yes.

Senator ERVIN. That is all.

The CHAIRMAN. Are there any further questions of the witness?

Mr. CONGER. I would like to submit a written question for this witness, to the Chair, if I may.

The CHAIRMAN. All right.

Mr. KENNEDY. Did you have any other responsibilities, other than checking these things, these acts of vandalism?

Mr. DESMOND. I had responsibilities of generally investigating misconduct during the strike.

Mr. KENNEDY. Misconduct?

Mr. DESMOND. Yes.

Mr. KENNEDY. What did that entail?

Mr. DESMOND. That entailed misconduct on the picket line, anything that might have happened around the plant. Items like that.

Mr. KENNEDY. Did you have people working under you that would do that?

Mr. DESMOND. I was the one that made all the investigations the interrogations, and making the affidavits, sometime Mr. E. J. Hammer, another attorney for the company, would assist me. But it was generally my responsibility to check all acts of misconduct that had any relation to the strike.

Mr. KENNEDY. Did you make then a report on any act of misconduct? Did you make a memorandum?

Mr. DESMOND. Yes, I submitted memorandum to Mr. Conger.

Mr. KENNEDY. Did you keep files on all of that material?

Mr. DESMOND. I kept files on it.

Mr. KENNEDY. On any act of misconduct, you kept a file on the individual?

Mr. DESMOND. Not in all cases, Mr. Kennedy. In some cases we did and in some cases we didn't.

Mr. KENNEDY. But any act which you felt was of interest or material, you made a note of that about the person, is that right?

Mr. DESMOND. Yes.

Mr. KENNEDY. And how many people did you check in that manner?

Mr. DESMOND. I don't recall at the moment.

Mr. KENNEDY. Do you have some books on that, do you, some records?

Mr. DESMOND. Yes, we have records.

Mr. KENNEDY. I think some of those have been submitted to the committee. Are these records that you made on the strikers?

Mr. DESMOND. That is a set of books that was kept concerning various things that happened.

Mr. KENNEDY. These are on the people that were on strike? This is all the information regarding the strikers?

Mr. DESMOND. Yes, sir.

Mr. KENNEDY. And you would write down things about them?

Mr. DESMOND. I beg your pardon?

Mr. KENNEDY. You would write down or make memorandums on misconduct?

Mr. DESMOND. I didn't. Someone who was working for me did.

Mr. KENNEDY. Just taking a few out of here——

Mr. DESMOND. Incidentally, may I see them, please?

Mr. KENNEDY. Yes.

Here is James Seubert. The record on him is—

2–12–55, 1 of the 6 pickets dressed as Abe Lincoln in 2–12–55 photo in the Milwaukee Journal.

Mr. DESMOND. Might I make a statement in that regard? That is not a strike misconduct list. That is a general information list, whereby all information, regardless of whether it was strike related or not, was put in.

Mr. KENNEDY. You were making an investigation of all the strikers, and whatever they did?

Mr. DESMOND. I thought it would be general information to Mr. Conger if everything that we had from the newspapers and the affidavits that were taken, and anything at all, was put in there.

Mr. KENNEDY. So any time anybody posed as Abraham Lincoln, you felt that would be of interest and help to Mr. Conger?

Mr. DESMOND. That connection, if I remember correctly, they were picketing with Abraham Lincoln's attire at the time.

Mr. KENNEDY. Here is 6–12–54, on John Melger:

6–12–54, was with a group who made general nuisance of themselves at Paul Lindekugel's 15th wedding anniversary.

Mr. DESMOND. Yes.

Mr. KENNEDY. Do you feel that that was helpful to Mr. Conger?

Mr. DESMOND. I thought that Paul Lindekugel, being a nonstriker, had a right to have a wedding reception without strikers coming and upsetting it, and I thought that that should be.

Mr. KENNEDY. Here is one on Carl Gorr, Jr.:

On 2 occasions his son, about 12 years old, molested Carl Merta's 5-year-old daughter, calling her names and saying her daddy is a scab. The second time he flicked his finger in her eye.

Then you have "See Merta's affidavit."

Mr. DESMOND. In that regard, I did not put that into the record. It happened to be in some memorandum or some statement that was made at some time, not by me, but somebody else. It might have appeared in the affidavit. The party whose responsibility it was, under my direction, just picked it out and put it in.

Information like that was never given any consideration.

Mr. KENNEDY. This is all in your reports.

Henry McGray, 5–2–55, playing catch with J. Van Engen, another striker, on the road at Northeast Gate. Came on company property several times to retrieve the ball.

Mr. DESMOND. It is just general information.

Mr. KENNEDY. This is John Greiner, Jr., 3–25–55.

Shown in 3–25–55 Milwaukee Journal picture releasing balloons with messages urging workers to stay out of plant until the strike was settled.

Mr. DESMOND. It was just general information, anything that happened about the man was put in the book, whether related to the strike or not.

Mr. KENNEDY. Here is one about where he attended summer school.

Here is another man whose wife appeared on the CIO radio broadcast. You have reports on 742 different strikers, and on these kinds of incidents and others of a more serious nature.

Mr. DESMOND. Those incidents were put in just because of the fact that the man was on strike, and we wanted as much information as we could get on them. I did not direct that it be put in. It was put in by the girl who did it.

If I had known that it was, if I had checked it over carefully, I probably would have said, "We don't want this information."

Senator ERVIN. If I may be pardoned an investigation, it would appear that the girl or whoever kept those records was much more thorough, I hope, than the recording angel.

Mr. DESMOND. Anything that happened, she put it in the book.

Mr. KENNEDY. Here is Stanley Baboshek.

4-25-54, Chow wagon.

What is that? What does that mean? Did he go to the chow wagon?

Mr. DESMOND. I don't know.

Mr. KENNEDY. Here is a man that opened up Harvey's shoe store on Union Street in Sheboygan. To supplement his income.

Mr. DESMOND. There, again, I think the girl must have read it in the strike bulletin.

Mr. KENNEDY. There are quite a few. It is not just a question of 4 or 5, but there are an awful lot that are exactly like that. You were trying to check, as I understand it, any kind of information you had whatsoever on any of the strikers, and make a record of it, is that right?

Mr. DESMOND. Whether it was related to the strike or not. The girl didn't know, and she just put it in.

Senator CURTIS. May I ask the chief counsel something? Are those entries that you have read, in the opinion of chief counsel, typical of all the entries?

Mr. KENNEDY. No. There are certainly entries in there which, as I said, indicate a far more serious nature, and certainly I would understand the company making a note of that.

I thought, though, it would be of interest to the committee that they were making notes on strikers of their personal activities, what their children were doing, where they were attending school and that type of business.

Certainly, in these books on the 742 strikers on which they have these detailed records, there is information of a more serious allegation.

Senator GOLDWATER. Mr. Chairman, might I ask that inasmuch as we have heard some of the trivial things, that the counsel read these few that I have just quickly gathered from looking through that book.

The CHAIRMAN. Let me get one thing straight now. Are these your records that you have turned over to the committee?

Mr. DESMOND. I would assume they are, Senator. I have not seen them yet.

The CHAIRMAN. Let us have them identified. Examine them and see if they are your records.

(Documents were handed to the witness.)

Mr. DESMOND. I might make the observation, Senator, that this is marked here "Union" on the records. We did not turn them over to the committee. It was marked "Union" in red.

The CHAIRMAN. They are not your records?

Mr. DESMOND. We did not turn them over to the committee.

Mr. KENNEDY. I believe we got them from the National Labor Relations Board.

The CHAIRMAN. Did you turn them over to the National Labor Relations Board?

Mr. DESMOND. I do not know if they are the National Labor Relations Board records or not, but I am making the observation that in red pencil there is "Union" here.

(At this point, Senator Kennedy entered the hearing room.)

The CHAIRMAN. What I am trying to find out is this: There has been a question raised about the records. What I am trying to find out is if these are the records of your company. If they are not, they probably have no place in here.

If they are records of your company, then I want to get them identified to make them a matter of reference.

Mr. DESMOND. The only statement I can make is this, that we have similar records of this kind, but I do not know whether this is it.

The CHAIRMAN. Do you know whether these are photostatic copies of them?

Mr. DESMOND. I can't say. There are so many pages here, Senator, that I don't know.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. May we inquire where these books came from? This one that I hold has something pasted on the back that says "Exhibit 87, Kohler Co. spy records A–F."

The CHAIRMAN. That is exhibit 87.

Mr. KENNEDY. We can tell you where they came from.

Senator CURTIS. I would like to have the staff tell you where they came from.

The CHAIRMAN. Mr. Adlerman, you have been sworn. Make your statement under oath.

TESTIMONY OF JEROME ADLERMAN—Resumed

Mr. ADLERMAN. These records were supplied to the committee by the union. They are part of an exhibit of the NLRB proceedings.

Senator GOLDWATER. That label that Senator Curtis referred to, was that label put on by the union or by the company?

Mr. ADLERMAN. The union.

Senator GOLDWATER. It is a union label that it is Kohler spy records?

Mr. ADLERMAN. Correct.

Senator CURTIS. Are these the exhibits that belong in the NLRB case or are they copies?

Mr. ADLERMAN. I believe they are copies of the exhibits that were in the NLRB hearing.

Senator CURTIS. May I inquire who, representing the union, turned them over to you?

Mr. ADLERMAN. I believe it was Mr. Rabinowitz.

Senator CURTIS. Is he one of their attorneys?

Mr. ADLERMAN. That is correct.

Senator CURTIS. Was this in response to a request by the staff?

Mr. ADLERMAN. That is right.

Senator GOLDWATER. May I ask if the trial examiner mentioned these in his report to the NLRB?

Mr. ADLERMAN. I would have to examine the trial examiner's report to determine that.

Senator GOLDWATER. Might I ask Mr. Conger?

Mr. RAUH. Yes, he did.

Senator GOLDWATER. I did not ask Mr. Rauh. I asked Mr. Conger.

Mr. CONGER. He referred to the fact that we kept records. I think he gave quite a description as I recall the report, Senator—and I don't have it right here with me—of how these records were kept, and for what they were kept.

I do not see in his record any criticism of our keeping these records.

Senator GOLDWATER. Was any mention made of these records in a critical way to the NLRB in his report?

Mr. CONGER. No, sir.

Senator KENNEDY. Mr. Chairman?

The CHAIRMAN. I would like to know whether these books or copies of them were made exhibits in the NLRB hearing.

Mr. CONGER. Without checking them in detail, Senator, I cannot tell. There was an exhibit in the NLRB case of the record books which we kept and of certain lists which we kept, including the strikers who were discharged and those who were not discharged.

Senator CURTIS. May I inquire at that point?

This material, would it become of the value both to the employee and to the company should an issue of reinstatement ever arise?

Mr. CONGER. No. Very much of it would not.

Senator CURTIS. Would some of it?

Mr. CONGER. Some of it would be.

Senator CURTIS. I refer particularly to a reference made by the chief counsel of an entry concerning an individual's outside earnings in a shoe store. When someone is ordered reinstated with back pay, earnings that they have made in the interim are a factor at times; isn't that correct?

Mr. CONGER. That is correct. May I make a statement of how these books came to be?

Senator CURTIS. Yes.

Mr. CONGER. I instructed Mr. Desmond, who is, in my opinion, a competent lawyer, but not a labor lawyer specialist, to keep records as well as he could. I told him not to try to be a labor lawyer, not to try to turn the people under him into labor lawyers, but to err on the safe side of reporting everything that he thought might be of interest to me, and that at a later date, when I had time, I would cull them over and extract the significant from the insignificant.

He did that and he did it with the assistance of a couple of girls who just put in what they thought might be of significance, what they thought might be of significance in connection with something else that might happen later on.

For example, this man Mertz that was referred to had several instances of vandalism at his home. It might have been that the way his children were conducting themselves had some connection, or it

could be established later on. I did not try to turn 10 or 15 people who might have been making these reports into labor lawyers overnight.

May I also say that the reason that these reports were started, and the principal reason, was to get evidence to use before the Wisconsin Employment Relations Board to get the mass picketing stopped and later the violence and the vandalism stopped.

Senator GOLDWATER. Were they exhibits in the WERB case?

Mr. CONGER. These particular reports? No, Senator, but many of the things that are in these particular reports were testified to in the WERB case. These particular books were not.

Senator GOLDWATER. When you turned these records over to the WERB—or did you turn them over to the WERB?

Mr. CONGER. Not these records, Senator. At that time they were not kept in this form. They got so cumbersome that we finally adopted a practice of putting them in books like this.

Senator GOLDWATER. Did you turn any records of this nature over to the WERB?

Mr. CONGER. No. The procedure before the WERB, Senator, is a little different than before the NLRB. In the procedure before the WERB, the complaining party comes in and tries his own case and, based on these records, we put witnesses on the stand to testify to things that had happened there.

I do not believe that we put anyone on the stand to testify as to these particular records.

In the NLRB, however, we used these records to justify or, rather, I should say these are the original records and we made later lists of them, and we used the incidents that are included in these books to justify before the NLRB the discharge of the people that were discharged.

Senator GOLDWATER. When you turned these records or similar records in to the NLRB, did you have them labeled "Kohler Co. spy records"?

Mr. CONGER. No, sir. If there was any label on them, and I am not sure they were actually labeled, we used to refer to them as a "Strike incident list."

Senator GOLDWATER. I asked the chief counsel——

Mr. CONGER. Excuse me. Mr. Desmond corrected me. It is the "Strike incident file."

Senator GOLDWATER. I asked if the chief counsel would read the few incidents I have marked in the book.

The CHAIRMAN. What the Chair is trying to do is to establish the identity and validity of the records. I am still at some loss about it.

Mr. DESMOND. Senator, I don't know whether these are the books that are an exhibit in the National Labor Relations Board. I say that we did have an exhibit in that hearing of books of this kind. Whether these are the ones, the only way I could verify that, would be to check every single page. I do not know whether this was doctored or not. I really do not know. It came from the union files, apparently.

Mr. KENNEDY. Do the items I read to you sound like yours?

Mr. DESMOND. I was just going to say, Mr. Kennedy, if I may, I did not recall specifically any of the instances that you asked me. If you had had the National Labor Relations Board book, I would have taken

it for granted that it appeared there. I have no present recollection of anything that you read.

If I may, I would like to retract my answers in that regard because I do not know whether it is in the National Labor Relations Board hearing or not. I do not know.

The CHAIRMAN. The only thing the Chair is trying to do is to establish the validity of the record. You say you cannot testify to these?

Mr. DESMOND. I cannot testify to that; no, sir.

The CHAIRMAN. You say you kept books along this order?

Mr. DESMOND. Yes, sir.

Senator KENNEDY. Mr. Chairman?

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Kennedy.

Senator KENNEDY. It says "CL" in one of these, 21792. What does "CL" stand for?

Mr. DESMOND. Clock number.

Senator KENNEDY. At what?

Mr. DESMOND. A clock number. A man has a clock number when he is employed.

Senator KENNEDY. What is your guess as to where these came from?

Mr. DRESMOND. I don't know. I can't say.

Senator KENNEDY. I would like to ask if you will turn over your books to us that were in the exhibit of the National Labor Relations Board. Then it would be possible to check very quickly as to whether these are the same reports and books that were turned over to the National Labor Relations Board.

Mr. CONGER. May I answer that, Senator? We have our books, which are duplicates of the exhibit in the NLRB case, and I am quite sure we have them here in Washington.

Mr. DESMOND. We do.

Mr. CONGER. We will be glad to turn them over to the committee.

Senator KENNEDY. When can we get them?

Mr. CONGER. As long as it takes someone to go over to the hotel to get them.

Senator KENNEDY. Fine.

The CHAIRMAN. Senator Curtis?

Senator CURTIS. Mr. Chairman, prior to the question being raised as to the origin of these books, certain excerpts were read. I think at this time the request of the Senator from Arizona, Mr. Goldwater, is perfectly in order that the excerpts that he requested be read.

Senator MCNAMARA. Mr. Chairman, before we leave the ones that have already been referred to, I would like to ask the witness a question.

Did you recognize the notation on the one dealing with the opening of a shoestore?

Mr. DESMOND. No, sir; I did not.

Senator MCNAMARA. You did not recognize that one?

Mr. DESMOND. No, sir.

Senator MCNAMARA. Then you do not know the significance?

Mr. DESMOND. No; I do not.

Senator MCNAMARA. I wonder if the significance was that this exemployee opened a shoestore on Union Street. That would not be the inference; would it?

Mr. DESMOND. I do not think so, sir.

The CHAIRMAN. Gentlemen, the Chair wishes to establish the validity of the record, if we can, and then, of course, everything in it may be read, if anyone wants it read. I would like to do that just to keep the record straight. I did not know there was any question about these records. If there is, and you say you cannot verify them—you do not deny them, but you cannot verify them.

Mr. DESMOND. That is right, sir.

The CHAIRMAN. From whom did we get the records?

Mr. KENNEDY. Mr. Rabinovitz.

The CHAIRMAN. Who is he?

Mr. KENNEDY. He is an attorney for the UAW.

The CHAIRMAN. Come around, and let us see what you know about it.

Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RABINOVITZ. I do.

TESTIMONY OF DAVID RABINOVITZ

The CHAIRMAN. State your name, and your place of residence, and your business or occupation or profession?

Mr. RABINOVITZ. My name is David Rabinovitz, and I am a licensed practicing attorney at Sheboygan, Wis. I live at 3015 Evergreen Parkway, Sheboygan, Wis. I represent the UAW at Sheboygan.

The CHAIRMAN. I guess you waive the right of counsel, do you?

Mr. RABINOVITZ. I do.

The CHAIRMAN. Did you represent the union, the UAW in the National Labor Relations Board controversy with the Kohler Co. which involved the strike?

Mr. RABINOVITZ. I did, sir.

The CHAIRMAN. Have you delivered to this committee certain records, three volumes I believe it is, of books we have had here discussed in the last few moments?

Mr. RABINOVITZ. My recollection is, and Mr. Desmond can correct me if I am wrong, my recollection is that there were four volumes. Is that right, Mr. Desmond?

Mr. DESMOND. I think that he might be right, and I am not positive.

Mr. RABINOVITZ. My recollection is that I either delivered—the company produced these four volumes, as I remember, as an exhibit, and I think that they were at the request of the general counsel, however. The company furnished me with a copy of the exhibit.

It is either my exhibit that I turned over to this committee, or a photostatic copy that the union made. I am not sure whether I gave mine directly to the committee, or whether I gave mine to the union and they made a copy and gave that to the investigators.

The CHAIRMAN. As I understand, these books, if they are copies, the original of these records were introduced in proof or as exhibits in the National Labor Relations Board hearing?

Mr. RABINOVITZ. Yes, sir.

The CHAIRMAN. If they are accurate, if these are photostatic copies, then this is a part of the record of the National Labor Relations Board?

Mr. RABINOVITZ. That is correct.

The CHAIRMAN. Of the proceeding in which the union and the Kohler Co. were involved, which related to this strike?

Mr. RABINOVITZ. That is correct.

Senator CURTIS. May I inquire. Now is this a part of the copy that the Kohler Co. delivered to you when they responded to the request of the NLRB to furnish these?

Mr. RABINOVITZ. Is that exact, the cover and all of that, you mean?

Senator CURTIS. Yes.

Mr. RABINOVITZ. I don't think so. I think that cover and the title that you read was placed there by the union.

I have my set, I think I have my set in the hotel room here in Washington.

Senator CURTIS. Who made this set?

Mr. RABINOVITZ. I think the copies were made by the union.

Senator CURTIS. Do you know who made them? Do you know whether they are true copies?

Mr. RABINOVITZ. I think that they are true copies.

Senator CURTIS. But you would say the label was not true?

Mr. RABINOVITZ. The label I am sure was put on by the union.

Senator CURTIS. That "Kohler Co. spy records"?

Mr. RABINOVITZ. I am sure that was put on by the union.

Senator CURTIS. Was any other change made in it?

Mr. RABINOVITZ. May I see it, Senator?

Senator CURTIS. Here it is.

(A document was given to the witness.)

Mr. RABINOVITZ. I am not sure, but the "A–F" may have been put on there to indicate the extent of the alphabet covered by this book, or it may have been put on by the company. I am not sure of that. But outside of that, I don't think the original exhibited any title to it at all. I don't think it had anything on it at all. It was just blank.

Senator CURTIS. How was this made, and how was this copy made—just having a girl type it?

Mr. RABINOVITZ. I did not do it, Senator. It appears to me to be photostated.

Senator CURTIS. Was it done under your supervision?

Mr. RABINOVITZ. No, sir. I knew nothing about it.

Senator CURTIS. Now you are familiar with the Taft-Hartley law, aren't you?

Mr. RABINOVITZ. I think I am.

Senator CURTIS. It is a violation of the law for an employee to spy on an employee, and they have an offense that I believe they call surveillance; isn't that right?

Mr. RABINOVITZ. That is right.

Senator CURTIS. Now what is the fact? Did the trial examiner find that the keeping of these lists constituted an offense of surveillance?

Mr. RABINOVITZ. No, he did not. But one of the reasons, Senator, that he did not make that finding was, as I remember, the General Counsel either failed to include that in his complaint, or included it at too late a date, and I believe the examiner refused to allow the amendment of that complaint.

Senator CURTIS. But they did not find it?

Mr. RABINOVITZ. There was no finding made of surveillance.

Senator CURTIS. I think since you have expressed a reason for the lack of a finding, Mr. Conger, do you have anything you wish to say on that?

Mr. CONGER. I would just like to ask the committee not to take my word or that of Mr. Rabinovitz for that, but I think the various complaints filed by the NLRB General Counsel should be incorporated here. There was a charge, as I recollect it, of surveillance in the early days, and there was an attempt to amend that which was not allowed but there was no finding of illegal surveillance by the NLRB trial examiner.

Mr. KENNEDY. Let me ask you, in that connection, Mr. Conger, did you have any surveillance?

Mr. CONGER. We had no illegal surveillance. We do not make any secret, Mr. Kennedy, of the fact that we were trying to get all of the evidence possible that we needed to go into court to try to get this sort of thing that was happening to us stopped.

Mr. KENNEDY. Did you have any surveillance?

Mr. CONGER. I would not call it surveillance. We gathered evidence for prospective cases because we anticipated that men like Mr. Burkhart would get on the stand in those cases, and say that there was no more violence on this picket line than there had been in the New York subway.

Senator CURTIS. Did the trial examiner call it surveillance?

Mr. CONGER. No, sir; he did not. He did not.

Mr. KENNEDY. Now, did you in fact, whether the trial examiner knew it or not, did you in fact have surveillance?

Mr. CONGER. No, we in fact did not.

Mr. KENNEDY. Did you have anybody walking the picket line, for instance, a representative or a detective agency or representative of a detective agency walking the picket line to find out what the pickets were saying among themselves?

Mr. CONGER. No, sir. What we did was to take and keep records of what men were doing out in open public view.

Mr. KENNEDY. Just answer the question. Did you have anybody walking, a representative of the company or a detective agency that you hired, walking the picket line to determine what was going on?

Mr. CONGER. No, sir.

Mr. KENNEDY. You had none of that?

Mr. CONGER. None of that.

Mr. KENNEDY. Did you have any informants working among the pickets, the strikers?

Mr. CONGER. I believe that the private investigative agency that we hired did have some informants who went over to the strike kitchen or were at the strike kitchen. And I want to tell you now, let us get this in, exactly what that detecitve agency was instructed to do.

Mr. KENNEDY. Wait a minute.

Mr. CONGER. They were instructed to get evidence of criminal acts of violence and vandalism.

Mr. KENNEDY. Mr. Conger——

Mr. CONGER. I believe we have a right to do that.

Mr. KENNEDY. I am not going into that, but just on the question of your answer to Senator Curtis regarding the surveillance, I would consider spies, people working, paid informants reporting to you on

the activities of the strikers and the pickets, that that certainly would get into the category of surveillance.

Did you or did you have informants working in the strike kitchen to keep you informed as to what was going on or keep your detective agency informed as to what was going on?

Mr. CONGER. No, sir; we did not.

My instructions to the——

Mr. KENNEDY. I am not saying what your instructions were, and I am asking you if you had that going on.

Mr. CONGER. I am saying that, to the best of my knowledge, we never had it; and if there was any such thing it was never reported to me; and it would have been a violation of my instructions.

Mr. KENNEDY. You say that this was not reported to you that you had an informant, a paid informant, working in the strike kitchen while the strike was going on. Do you say that under oath?

Mr. CONGER. No, Mr. Kennedy; I have tried to say that I have not said that we had somebody, the detective agency had somebody, working there to find out who was dynamiting these cars, and who was doing these acts of vandalism and violence.

Mr. KENNEDY. You had a——

Mr. CONGER. I do not believe that the law prohibits us from trying to find out who is doing a criminal act, whether it is a striker or a nonstriker.

Mr. KENNEDY. Mr. Conger, I am not getting into whether you violated the law, and whether you yourself committed a criminal act by doing this. All I am asking is the question as to whether you had a paid informant working in the strike kitchen keeping you informed of the activities in the strike kitchen. Now yes or no, and you can give any explanation you want. But did you not have a paid informant working in the strike kitchen?

Mr. CONGER. Not keeping us informed of the general activities in the strike kitchen. I want that made clear.

Mr. KENNEDY. Did you have a paid informant working in the strike kitchen?

Mr. CONGER. We had a paid informant who was to the best of my knowledge—and we did not have it but the investigative agency had a paid informant, to the best of my knowledge, reporting to them anything that she could find out about these criminal activities that were going on.

Mr. KENNEDY. But now didn't they keep you informed, or didn't you have informants working elsewhere? We can go into all of this now, Mr. Conger, if you want to; but didn't you have informants working a number of other places, to keep you informed as to what was going on?

Mr. CONGER. No, sir.

Mr. KENNEDY. Didn't you have detectives going around to the various bars, listening to what the conversations were?

Mr. CONGER. They were going around to try to find out who was committing these acts of vandalism, because we weren't getting law enforcement.

We wanted to do something about it if we could. I also hired a detective to find out who did the kidnaping of Oosdyke.

Senator CURTIS. I renew my request or urge the request of the Senator from Arizona, Mr. Goldwater.

The CHAIRMAN. All right.

You may proceed. I am trying to get these records so we can admit them.

Will you bring your original records, the records that the company delivered to you as a copy of their exhibit?

Mr. RABINOVITZ. I will deliver to you what I have. I am not saying that they are the originals, Mr. Chairman. I think that they are. May I add this, too——

The CHAIRMAN. I thought that you said that you had those that the company delivered to you, as a copy of the original exhibits filed.

Mr. RABINOVITZ. I believe they are and I shall check them, Mr. Chairman.

The CHAIRMAN. Will you check them and see and bring them up, whatever you have, and let us see if we can get this record straight.

Mr. RABINOVITZ. May I say this, Mr. Chairman, that about the picket line, in front of the employment office, this company maintained a concealed microphone wired to a place over 200 feet away, and after the message was received it was transcribed, picking up any ordinary social conversations that these pickets may have had between themselves on the picket line. That was developed at the hearing but for some reason or another it was not pursued by general counsel.

Mr. CONGER. I think that I have a right to make a statement in answer to that one, too. That was developed at the hearing, and it was developed that the purpose of that was to get some information on which we later convicted 16 of these people at the employment office for contempt of court, for violation of the injunction.

I believe we do have a right to get evidence to enforce the orders, lawful orders of a court.

The CHAIRMAN. The Chair is not undertaking to pass upon this now as to what was or was not right at the time or under the circumstances. Of course, it is the function of this committee to investigate improper practices in labor-management relations. We might pursue something and find out or come to the conclusion it is not an improper practice, and we might pursue something that we do conclude is an improper practice, such as might require some legislative attention.

The very fact that the National Labor Relations Board found or did not find such a thing is not conclusive because this committee can go beyond the National Labor Relations Board and inquire into acts that it might conclude would be or should be declared improper, and thus recommend legislation accordingly.

Now I am not saying what you have done is right or wrong, and I don't say whether I would have done it or would not under the same circumstances. But we have a strike here that has been going on 4 years, and it has had a lot of publicity. I am sure there have been a lot of things said that were not true, and probably there have been a lot of things said that were true.

Since we are in this thing, all I want is to get the facts, and we want to get the facts now about these books, just what they were, and the committee then can pass on whether any of it was improper, or what part of it was improper.

Mr. CONGER. I would like to make one more statement and I agree thoroughly with what the chairman has said. I just want to point out that any investigative report that we ever had was turned over to this committee staff as soon as they arrived at our place.

It was done voluntarily.

The CHAIRMAN. Any investigative report? I would regard this in the nature of an investigative report, and was that turned over to the staff?

Mr. CONGER. I wouldn't regard it as that, Senator, and I don't want to quibble with you over phrases, but that was not turned over. That was this investigative report that Mr. Kennedy was talking about.

This was not turned over, although it was in our files, and I think the staff people knew about it. They didn't ask us for it, and we didn't give it to them, and probably that might have been because they got it from the union and didn't want it twice.

We certainly didn't make any secret of it, because the reports we had——

The CHAIRMAN. There is no secret about it, and I mean the original, because it is a public document as of now.

Mr. CONGER. All right.

Mr. KENNEDY. Just on this question of whether there were any of the detective agency, or representatives of the detective agency serving on the picket line, I have this report that I would like to have Mr. Conger identify.

Senator GOLDWATER. Before we go any further, could we have those four places read that I referred to?

The CHAIRMAN. You might have them read while the Chair looks at this. Read them, Mr. Kennedy.

Mr. KENNEDY (reading).

Herbert A. Hall, clock No. 7651, July 1, 1954, grabbed in the car window of Edward C. Bunke, as he was leaving the plant, then withdrew and yelled "I'll bash your head in." See Bunke's incoming call, July 8, 1954. Very vile language and congesting traffic. See William Sullivan's affidavit, August 21.

Eleanor Kalk, clock No. 7266, August 30, 1954, with group picketing residences. See Edwin Taubenheim's affidavit, September 1, paragraphs 4 and 6.

June 12, 1955, provoked the incident in which Carl Darovich was struck on the right chinbone by Walter V. Meyer at the E & R Grill in Sheboygan. See Carl Darovich's affidavit, June 15, paragraphs 2 to 7 inclusive.

George Klauser, picket captain, April 11, 1954, involved in incident at main gate in which he forcibly tried to prevent Arthur Haefke from entering the plant. Arrested for assault and battery. See Arthur Haefke's affidavit, May 14, 1954, and Robert Schoemer's statement to NLRB representative, dated April 29, 1955, paragraph 3.

Is this your line?

Senator GOLDWATER. I just drew that so you didn't read the whole page. You can if you want, but it isn't necessary.

Mr. KENNEDY. I might say that there are 3 pages on him, or 4 pages. [Reading:]

Kenneth Knowles, clock No. 8079, January 27, 1956, was in group of fellows who razzed and threatened Kohler workers and called them names in Willadsen's Tavern in Glenbeulah. See Sylvester Schmitz's affidavit, January 13, 1956, paragraphs 2 to 5 inclusive.

Senator GOLDWATER. Thank you.

The CHAIRMAN. I hand you what purports to be two reports made to your company, and one says "re Kohler" and I will ask you to examine these documents and state if you recognize them.

Let each witness examine them. Possibly Mr. Conger should examine them first. I believe they are reports perhaps made to him.

(Two documents were handed to Mr. Conger.)

The CHAIRMAN. I think those are supposed to be reports, copies of reports, that were received by you from your investigator, or your detective, or whoever he was, that you had making the reports to you.

Mr. CONGER. I do not recognize these reports, I do not think, and I would have to check them. They are quite voluminous reports that I turned over to the staff, but I don't recognize these as anything that came from my file.

The CHAIRMAN. You do not recognize them?

Mr. CONGER. I cannot positively say that they did not come, Senator, now, without checking against everything. But I don't recognize either of these reports or that they came from my file.

Mr. KENNEDY. Mr. Chairman, these are copies of reports that came from the Shindler Detective Agency, which is one of the detective agencies that Mr. Conger and the Kohler Co. hired in connection with this matter.

The CHAIRMAN. Did you employ this Shindler Detective Agency?

Mr. CONGER. We employed the Shindler Detective Agency to try to ascertain who kidnaped Costdyk, and for that simple purpose only. We didn't take a pleasant view of kidnaping.

Mr. KENNEDY. They operated under the name of Briggs Supply Co., or at least the records appear in the Kohler Co. under that name, and those reports which are copies of the reports that Shindler indicated that he made to Mr. Conger of the Kohler Co. indicate that on two different occasions the detectives were marching on the picket line.

Mr. CONGER. I see nothing in these reports to indicate that detectives were marching on the picket line. I would not so read them.

Mr. KENNEDY. I will read them, and then everybody can make their own determination.

The CHAIRMAN. Who got them from the detective agency? Let's get them identified for the record.

Senator CURTIS. Could we see them, please?

Mr. KENNEDY. They were obtained under Mr. Bellino's direction.

The CHAIRMAN. Mr. Bellino, you can answer the question here.

TESTIMONY OF CARMINE S. BELLINO—Resumed

The CHAIRMAN. Where did you get the reports that you have here, the two I have just shown the witness?

Mr. BELLINO. Those were obtained from Mr. William Shindler, of New York City.

The CHAIRMAN. Under your direction?

Mr. BELLINO. Yes, sir.

Senator CURTIS. Who is William Shindler?

Mr. BELLINO. He is one who operates a labor detective agency, and was employed by the Kohler Co. in the early part of April 1954.

The CHAIRMAN. Was that obtained under subpena?

Mr. BELLINO. I believe so; yes, sir.

Senator GOLDWATER. Mr. Bellino, did you obtain these personally?

Mr. BELLINO. No, sir. They were obtained by Mr. Cheasty of the New York office.

Senator CURTIS. Are these copies or originals?

Mr. BELLINO. I believe those are copies that were in his files.

Senator CURTIS. Copies in whose files?

Mr. KENNEDY. Shindler.

Mr. BELLINO. And some of them we got from Chicago, the Chicago agency that Shindler employed, engaged. We obtained some of the reports from them.

Senator CURTIS. How many are we dealing with? Just these two?

Mr. KENNEDY. We have other reports.

Senator CURTIS. How many are you inquiring about?

Mr. KENNEDY. Those two I wanted to identify on the question of whether there were detectives marching with the pickets.

Senator CURTIS. Mr. Bellino, I will hand you this one and ask you where you obtained it.

(At this point Senator Ervin withdrew from the hearing room.)

Mr. BELLINO. This one came from Shindler in New York. The others came from the Interstate Detective Agency, in Chicago, which was an agency engaged by Shindler in New York.

Senator CURTIS. And it was obtained by whom from Shindler?

Mr. BELLINO. By Mr. Cheasty, of our staff.

Senator CURTIS. Now, I will hand you another paper which has not been identified as an exhibit. Where did you get that?

Mr. BELLINO. This is from the same office in New York.

Senator GOLDWATER. Might I ask Mr. Conger a question relative to this, Mr. Chairman?

The CHAIRMAN. Yes.

TESTIMONY OF LYMAN C. CONGER—Resumed

Senator GOLDWATER. During the time that you had the microphones at the front gate, or wherever they were——

Mr. CONGER. It was on our property and the employment office.

Senator GOLDWATER. Was that during the 2 months of illegal picketing?

Mr. CONGER. No, Senator, it was not. It was at a later date when there was some illegal picketing in front of the employment office, when the men were trying to keep anybody from going into the employment office to apply for a job.

We watched that. We took movies of it. We took some microphone recordings which didn't amount to much. We didn't get much results from it, but we, frankly, tried. We eventually secured the conviction of 16 of these men for contempt of the injunction for that violation in front of the employment office.

Senator GOLDWATER. That injunction was against mass picketing?

Mr. CONGER. Yes. That was under the WERB injunction, and it was, in my opinion, a type of mass picketing. What they would do is when someone approached the employment office to try to get in, would be to gang up in front of him and mass around him, and in some cases he was kicked, spit upon with tobacco juice, and so forth, and we were quite interested in some of the language that was being used.

We, by that time, were quite familiar with this old dodge that, "We were just talking to him nicely and not using any bad language."

Senator GOLDWATER. Mr. Conger, was this mass picketing at the employment office after the WERB had ordered a cessation of mass picketing in front of the plant?

Mr. CONGER. Yes. It was not only after that, but it was after the circuit court of Sheboygan County had entered an injunction. It began in about October. The injunction was entered about September 1, 1954, and this, I would say, began in October.

In December, January, and February it reached some real heights that we had to take cognizance of.

Senator GOLDWATER. Then under the WERB and, I believe, also under the Taft-Hartley, this was illegal picketing. Am I correct?

Mr. CONGER. We certainly thought so, and the judge who found these people guilty of contempt agreed with us.

Senator GOLDWATER. Let me ask you another question relative to this. During the time that you hired this detective agency, was there illegal picketing going on?

Mr. CONGER. Yes; there was. I might say—I want to put in the whole record—I don't want to carry the impression that that was the only thing we hired the detective agency for. I also hired them to get some evidence for me that I intended to use as a defense in the NLRB case. The records will also show that I used them to serve subpenas. I used them to keep track of one John Gunaca so that we could serve a subpena on him.

At one time I had them keep track of the whereabouts of Mr. Robert Burkhart, whom we wanted to recall as a witness in the NLRB proceeding, to be sure that he would be available and we could find him when we wanted to serve a subpena on him.

The CHAIRMAN. May I ask one question at this point? Was this employment office on your property, on the company property?

Mr. CONGER. Yes, sir.

The CHAIRMAN. Where the picketing took place, and where you had used your mike, or whatever it was, to pick up the conversations?

Mr. CONGER. Yes. The mike was hung from the eave of the employment-office building, our property. Yes, Senator.

The CHAIRMAN. All right. I just wanted to find out if this occurred on your property.

Senator KENNEDY. What was the purpose you hired the Matson Detective Agency for? Was that to find out about acts of vandalism?

Mr. CONGER. That was one of the purposes, Senator.

Senator KENNEDY. What were the other purposes?

Mr. CONGER. Another purpose was to prepare evidence for us in the NLRB proceeding.

Senator KENNEDY. What sort of evidence were you looking for?

Mr. CONGER. Evidence of a subversive background of one Robert Burkhart, which has been brought out here. That was one of the things.

Senator KENNEDY. What were the others?

Mr. CONGER. Well, we checked—that was the principal thing in that respect that I can think of now.

Senator KENNEDY. You can't think of anything else, Mr. Conger?

Mr. CONGER. Pardon me?

Senator KENNEDY. You can't think of anything else?

Mr. CONGER. That is the only thing I can think of right now that we employed them for. We employed them one time to serve subpoenas. At one time Mr. Matson suggested that he could make some recommendations as to our plant security.

Senator KENNEDY. Aren't you forgetting one of the most important things that the Matson Agency did for you?

Mr. CONGER. Maybe I am, if you will tell me about it.

Senator KENNEDY. Here is a letter, "Re Robert Burkhart," and you obviously employed the Matson Agency to prepare material on Robert Burkhart, you indicated that. They wrote you a letter on April 3, 1955, addressed to you, in which they stated, and I quote:

Mr. Conger furnished information at this time to the effect that he was interested in knowing exactly where Burkhart was living at the present time, and whether or not he was still living in the state of husband and wife with Grace Chilson, mentioned in previous reports.

Then he went on to say, your correspondent:

However, since the confidential informant source was highly reliable, it was decided to discuss this matter with Lt. Henry Kuszewski of the morals squad of the Milwaukee Police Department. The complete background of Burkhart was given to Lieutenant Kuszewski at this time, and he advised that his department would be very much interested in knowing whether or not Burkhart was living at that address with a woman who was not his wife, but whom he held out to be his wife.

And then:

Upon arrival in Milwaukee, Wis., Lieutenant Kuszewski was furnished with photographs of Burkhart and Grace Chilson, and also the marriage application of Robert Burkhart and Margaret Replogle, his true wife, and information from Kotowicz to the effect that these two parties who were married in Toledo, Ohio, in 1939, had never been divorced.

Lieutenant Kuszewski advised that as far as could be ascertained, Burkhart was due back from the convention at Cleveland over the week end of April 2, 3, or 4, and that this would be an advisable time to have his men make a spot check of the area. Lieutenant Kuszewski advised that if he determined that these people were living together as man and wife at this area, that his men would follow with an arrest if it was desired. He said that this arrest would be made during the middle of the night when it could be positively proven at the time that they were living together as husband and wife. You will be advised further as to the results of the surveillance and the activities of Lieutenant Kuszewski.

If that isn't the most despicable business that a company can be involved in. It has nothing to do with the union business; it has nothing to do with subversive activities, but merely an attempt to smear and discredit the leader of the union with nothing that was any of your business, but just his private business.

Senator CURTIS. Just a minute.

Senator KENNEDY. You have been asking all afternoon. Just a minute.

Senator CURTIS. You objected to me putting it in the record yesterday.

Senator KENNEDY. It is all in the record. It is a matter of public information.

Senator CURTIS. What I want to know is——

Senator KENNEDY. I know that the Senator may be anxious to interfere in this discussion, but I would like to have Mr. Conger answer the question.

The CHAIRMAN. Answer the question. Senator Curtis may then inquire.

Mr. CONGER. We were interested in Mr. Burkhart's marital status for two reasons, Senator. One is that at that time the NLRB case was proceeding against us. We expected Mr. Robert Burkhart to be

a very important witness, and we were looking for any impeachment material possible.

I think, Senator, the fact that a man will live and hold out a woman as his wife publicly, who is not his wife, reflects very much on his credibility as a witness in any proceeding.

Senator KENNEDY. What we are talking about, Mr. Conger, is your detective agency attempting to have him arrested on that basis.

Mr. CONGER. May I answer that one?

Senator KENNEDY. Of course, you did that.

Mr. CONGER. I do not know whether the Senator was in the room when Mr. Burkhart called us murderers, but I think we have every right to let the public know what kind of a character is calling us murderers and other uncomplimentary names.

I will tell you that as soon as I got this information about Mr. Robert Burkhart, I turned it over to the chief of police of Sheboygan, who didn't seem to be interested in taking any action. I turned it over to the district attorney of Sheboygan County, who didn't seem to be interested in any action. The police of Milwaukee did seem to be interested in it.

Senator KENNEDY. Ultimately he was arrested as the result of the activity of your detective agency in serving as a guide and exploring into Mr. Burkhart's personal life.

Mr. CONGER. That was not Mr. Burkhart's personal life. That was apart. Senator, you are going to find out later that this woman was very active in union activities there. So her status and her credibility went into this picture very much.

Senator GOLDWATER. Mr. Conger, inasmuch as this subject has been brought up, was Mr. Burkhart married at the time?

Mr. CONGER. He was married, but not to the woman he was representing as his wife.

Senator GOLDWATER. Where was his wife living?

Mr. CONGER. She was living in Toledo, Ohio.

Senator GOLDWATER. Had he had any children at the time?

Mr. CONGER. Yes, he had two children.

Senator GOLDWATER. It think it is rather despicable on Mr. Burkhart's part to act like that. I cannot condone it.

The CHAIRMAN. All right, gentlemen. The Chair held yesterday that he did not think that this was pertinent to this inquiry. However, I said at the time that if anybody wanted to overrule the Chair, they were at liberty to do so. Now you have it all in the record.

Senator KENNEDY. Mr. Chairman, I will say, and the Chair is free to comment on it, the matter was put into the record yesterday. What I was interested in was the employment of a detective agency in order to investigate the personal life of an adversary in an industrial struggle, and an attempt not only to investigate and determine the facts, but also to stimulate and encourage the police force to make a raid. I am not defending Mr. Burkhart's conduct at all.

What I am talking about is your conduct, Mr. Conger, in stimulating a raid on a man's home in order to arrest him and a woman in order to discredit the union.

Mr. CONGER. I will say, Senator, that in my opinion, any citizen has a right to report a criminal act to the police at any time.

The CHAIRMAN. All right. We have it in the record, gentlemen. Let's proceed.

Senator CURTIS. Mr. Chairman——

The CHAIRMAN. Senator Curtis.

Senator CURTIS. I made reference, when this arose, to previous precedents of this committee, on evidence of that type. I think it is pertinent that I ask these questions now.

Do you know, Mr. Conger, whether or not Mr. Burkhart and this woman that has been referred to were arrested?

Mr. CONGER. Yes, they were.

Senator CURTIS. Where?

Mr. CONGER. In the city of Milwaukee.

Senator CURTIS. Do you know who appeared as attorney?

Mr. CONGER. Yes, sir; I do.

Senator CURTIS. Who was it?

Mr. CONGER. Mr. Max Raskin, state counsel of the UAW–CIO.

Senator CURTIS. He is a paid employee of the UAW–CIO?

Mr. CONGER. That is my understanding, sir.

Mr. KENNEDY. What was the charge?

Senator CURTIS. I don't know what the charge was.

The CHAIRMAN. Do you know what the charge was?

Mr. CONGER. Disorderly conduct, I understand.

The CHAIRMAN. Disorderly conduct. All right.

Mr. KENNEDY. Have you finished?

Senator CURTIS. Yes. I just want to establish that the point was raised against me yesterday that it was inadmissible because there weren't any union funds involved. I now have been able to complete my showing that there were union funds.

The CHAIRMAN. The Chair makes rulings and sometimes he is right and sometimes he is wrong. But I have to rule, just like in a court.

Mr. KENNEDY. Do you know, Senator, did the union attorney get paid by Mr. Burkhart?

Senator CURTIS. I never got to ask him. I was shut off.

Mr. KENNEDY. We have these two records regarding the picketing, the people on the picket line. This is on the question of whether you had a representative of the detective agency on the picket line. One of the reports is dated May 18, 1954, from operator No. 371, of the detective agency, and it states, in the opening sentence:

> After serving on picket duty again today with Smirke, headquarters soup kitchen was visited.

Can there be any question after that?

Mr. CONGER. I do not recall those reports.

Mr. KENNEDY. You said that the reports did not indicate that they had served.

Mr. CONGER. To the best of my knowledge, they did not, and I don't think that that report does indicate that the man was walking the picket line with the pickets. He was at the soup kitchen, certainly.

Mr. KENNEDY. It says, "After serving on picket duty again today with Smirke, headquarters soup kitchen was visited."

If you don't think that shows he is serving on the picket line——

Mr. CONGER. I doubt it, because Mr. Smirke, as it is properly pronounced, is a tavern keeper in Sheboygan and was never, to the best of my knowledge, a striker. He runs a bar in Sheboygan. Of course,

there were some Sheboygan people that sometimes came out on the picket line.

Mr. KENNEDY. You state that that does not state that he served on the picket line, "After serving on picket duty again."

Mr. CONGER. I didn't recall that report at all. I am not sure now that it would mean to me, when I read it at the time, that he was serving on the picket line.

Mr. KENNEDY. I am not asking you that, Mr. Conger. You stated you looked at the report and it didn't show that he served on picket duty. I am not asking you if you remember.

Then on May 15, 1954, "Operator was invited to take part in the picket line, which he will do tomorrow morning."

Mr. CONGER. "Which he will do." I don't know whether he ever did or not.

The CHAIRMAN. All right. Is there anything further? Is there anything further with this witness?

We will stand in recess until 10 o'clock in the morning.

(Present at the time of recess: Senators McClellan, Kennedy, Goldwater, and Curtis.)

(Whereupon, at 4:45 p. m. the select committee recessed, to reconvene at 10 a. m., Thursday, March 6, 1958.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

THURSDAY, MARCH 6, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10 a. m. pursuant to Senate Resolution 221, agreed to January 29, 1958, in the caucus room, Senate Office Building, Senator John L. McClellan, chairman of the select committee, presiding.

Present: Senators John L. McClellan, Democrat, Arkansas; Irving M. Ives, Republican, New York; John F. Kennedy, Democrat, Massachusetts; Sam J. Ervin, Jr., Democrat, North Carolina; Pat McNamara, Democrat, Michigan; Barry Goldwater, Republican, Arizona; Karl E. Mundt, Republican, South Dakota; and Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Alderman, assistant chief counsel; John J. McGovern, assistant counsel; and Margaret W. Duckett, assistant chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were: Senators McClellan, Ives, Goldwater, and Curtis.)

The CHAIRMAN. Mr. Desmond.

Mr. CONGER. I would like to make a statement.

The CHAIRMAN. Just one moment, let us get order.

The Chair was going to ascertain, Mr. Conger, whether you have checked those records, you or the other attorney have checked those records to ascertain whether you had the original copies.

Mr. CONGER. You mean of the big book?

The CHAIRMAN. Yes.

Mr. CONGER. No, we do not. Excuse me, Senator, Yes, we do have the original books; yes.

The CHAIRMAN. You have the original?

Mr. CONGER. I was positive of that yesterday.

The CHAIRMAN. Now let me see, who is the attorney we were questioning yesterday.

Mr. RABINOVITZ. I think that I am, Senator.

TESTIMONY OF DAVID RABINOVITZ—Resumed

The CHAIRMAN. Mr. Rabinovitz, yesterday you stated that you thought you had the original records down at your hotel. That is the copy of—what do you call this—incidents records. Have you made a search and have you found them?

Mr. RABINOVITZ. I have, Mr. Chairman. I find that what I have is identical to what the committee has, and as I remember the records the Kohler Co. gave me, and which was a copy of what was introduced at the hearing were of the color of black, and they were black books, and those I believe are in Sheboygan.

The CHAIRMAN. Have you compared your records with those that the committee has, as provided it by the union?

Mr. RABINOVITZ. You mean these that I have?

The CHAIRMAN. Have you compared the records that you still have, with those of the committee?

Mr. RABINOVITZ. I have not, Your Honor, but I am sure they are alike. And I am sure, to, I have used these records so frequently, I am sure, that the records that the committee has are exact copies of what the General Counsel introduced at the hearing, and of which the company now says they have a copy here in Washington.

The CHAIRMAN. Do you have any doubt now, Mr. Conger, about the authenticity of the copies that the committee has?

Mr. CONGER. I cannot say one way or the other, Senator. I have never seen these documents and I have never had a chance to check them against the original. I would be willing for the committee to accept them subject to any errors that we may find in them, but they are not our copies, and certainly something has been added to them, at least on the back, in the description of them.

The CHAIRMAN. The Chair is going to order them made an exhibit temporarily, exhibit No. 44, in order to get them in the record, subject to correction and revision if any errors are found, or they contain any errors.

(Documents referred to were market "Exhibit No. 44," for reference and may be found in the files of the select committee.)

(At this point, Senator Mundt entered the hearing room.)

Senator CURTIS. May I inquire whether or not these books that have been received in evidence have had any title or tabs placed on them that were not a part of the books as delivered by the company?

The CHAIRMAN. Senator, may I say, I appreciate your reminding me of that. I wanted any record of any tab removed from them as an exhibit, because that is in issue, and that is in controversy, and so all I want made an exhibit is the record itself. Anybody can put any kind of a title on it they want to from there on.

The CHAIRMAN. Do you have your records?

Mr. KENNEDY. You haven't your records here?

Mr. CONGER. They are at the hotel.

Mr. KENNEDY. I thought the understanding last evening when there was a question raised about these records, was that you were going to bring your records in this morning.

Mr. CONGER. I did not, unfortunately, have that understanding.

Mr. KENNEDY. That would have made it very clear, as to whether these records yesterday were accurate or not, regarding these checks on these individuals. If you brought your own records, we could check them.

The CHAIRMAN. Do you have any doubt about the validity now and authenticity of the records that I have made an exhibit?

Mr. CONGER. As we go along, Senator, and things are read out of them, we will have a chance to check against our records.

The CHAIRMAN. No; bring your records in. I don't want to have an eternal harangue and wrangle here about whether these records are correct or not.

Mr. CONGER. I am willing to bring our records in, certainly.

The CHAIRMAN. Get your records and let us make a comparison and settle it once and for all. Mr. Counsel, appoint a member of the staff here to confer with a member of the company and compare the records, and then let them report back to us whether there is any discrepancy or anything that needs correction.

Let us get this thing settled once and for all.

Mr. KENNEDY. I might say that we checked, we did not know about the fourth volume, but from checking the fourth volume, yesterday I reported some 700 names and actually the Kohler Co. had reports on some 952 different individuals from those reports.

The CHAIRMAN. Is there a fourth volume?

Mr. CONGER. There are four volumes as submitted to the NLRB, and as we have it in our records, yes.

Mr. KENNEDY. There are 952 names.

The CHAIRMAN. How many volumes did we make and exhibit here?

Mr. KENNEDY. Just three.

The CHAIRMAN. The fourth one would be included in this exhibit, and a comparison will be made now by designating some member of the staff, Mr. Counsel, to confer with their attorney, and examine them, and let us ascertain whether there is any further challenge as to the validity of the records that I have made a temporary exhibit.

Mr. KENNEDY. Mr. O'Donnell will check it.

The CHAIRMAN. All right, Mr. O'Donnell will represent the staff, and you designate someone representing your company, and let us have the comparison made, and then get the issue settled.

Mr. CONGER. All right.

The CHAIRMAN. All right, Mr. Conger, do you have something to say?

Mr. CONGER. At the conclusion of my testimony yesterday afternoon, the situation arose that I feel called on to bring to the attention of this committee.

As I was leaving the witness stand here, Mr. Emil Mazey, secretary-treasurer of the International UAW, approached me, in a threatening manner.

The CHAIRMAN. Who?

Mr. CONGER. Mr. Emil Mazey, secretary-treasury, and unloosed against me such foul language that in deference to this committee I would not repeat it, unless specifically directed to do so.

That language did not intimidate me, but I think such treatment could very well intimidate future witnesses appearing before this committee, and I think it is my duty to call it to the attention of the committee.

The CHAIRMAN. Let the Chair make this observation: If I find, and if the proof is before us, that anyone is undertaking by threats of violence or any other kind of threats calculated to intimidate any witness who has been called or who is expected to appear before this committee, if proof of that is established I believe it would constitute contempt of the United States Senate.

I will undertake to proceed accordingly. Whether that ruling can be enforced, or whether it will be upheld, I do not know. But this

committee in its effort to do this serious and important work must not be interfered with by improper practices and improper conduct on the part of anyone.

The Chair gives that warning. I am sure that there may be still a great deal of feeling between individual people representing different interests in this controversy, and there obviously is still considerable bitterness. That is something that you folks settle outside.

If you want to have a quarrel with each other that is your business. But any attempt to intimidate, coerce, or frighten witnesses to keep them from coming before this committee and giving their version of what the truth and the facts are, I shall regard, and I trust the committee will agree with me, as an act of contempt of the United States Senate.

Mr. Rauh. Mr. Chairman, Mr. Mazey informs me——

Senator Mundt. Wait a minute, Mr. Chairman. I am not a lawyer but I think I am enough of a lawyer to know this is not testimony. If Mr. Mazey is in the room, and he has been charged with something, we don't want to have the lawyer saying Mr. Mazey informed him.

Mr. Rauh. We have had a charge made against us, and I have a right to answer it.

The Chairman. Listen, just a moment.

Mr. Rauh. Mr. Conger stated a lie.

The Chairman. Now just a moment. I happen to be chairman of this committee, and I am going to do my best to keep order.

Senator Mundt. It is about time we found out who is running this committee.

The Chairman. The Chair will recognize you at the proper time, but when a member of this committee wishes to speak, the member of this committee will have the preference.

Senator Mundt. Thank you. My point, Mr. Chairman, is this, and I submit it to you as a distinguished lawyer and as chairman:

I say if this charge, and I know nothing about this, but we have a very serious charge, in my opinion, that somebody in the committee room has been using foul language and trying to intimidate a witness. That is the charge.

Now, we have a lawyer coming in saying that Mr. Mazey tells him, and I submit that isn't evidence. And if Mr. Mazey is in the room, and wants to talk and deny it, we should subpena him under oath and let him do so.

But if I have learned anything in my law education at this committee table, it is that this kind of indirect hearsay should not be submitted before us when we have the witness in the room at the moment.

The Chairman. Now let the Chair make this observation: The Chair is not accepting and it is not intended that these statements be accepted as evidence. They are charges, and they are addressing the committee to report incidents to the committee. I have made a statement here, and I trust the committee backs me up in it.

Senator Ives. We do.

The Chairman. With respect to the statement we made that we would regard it as contempt of the United States Senate, any attempt to interfere with——

Senator Mundt. I not only back you up in that, but I back you up in your very commendable reprimand of this counsel who has been interrupting us over and over again more than any counsel we have

ever had before any committee of which I have been a member. I am glad that you have brought that to the attention of the country and the committee.

The CHAIRMAN. Let the chairman make this observation again.

Gentlemen, this is a difficult task I have. I am trying to be as lenient and as liberal as it is possible to be, and keep order, decorum, and reasonable proper procedure. I am doing my best to, and I would like the cooperation of everyone.

Senator MUNDT. May I say that is true except when this young man gets up and tries to make more noise and outtalk the members of the committee. It seems to me that he should realize that this is not his committee.

The CHAIRMAN. Well, this young lawyer as you refer to him, or no one is going to out talk this committee as long as I have got this gavel. I can promise you that now.

All I ask of you gentlemen on both sides is to address the Chair, and when the Chair recognizes you, then we will indulge you for what we consider to be proper. But if you persist in a course of conduct that I deem, and the committee sustains me in deeming to be improper, obstreperous or disrespectful, you will be invited to retire and your presence will no longer be permitted.

If that isn't plain enough, and if you have any doubt about what I mean, why I will try to explain so there will be no misunderstanding.

Now, then, the Chair will hear you.

Mr. RAUH. Thank you, Mr. Chairman. I meant no disrespect, and I mean none whatever. I am here representing a union in a trial, really, your honor, and it is a little different than ordinary hearings.

I would like to say that what occasioned the incident yesterday, sir, was that Mr. Conger told Mr. Mazey that he had spies following Mr. Mazey, and it was that that I wanted to bring before this committee, that Mr. Conger admitted to Mr. Mazey that he had been following him, and it seemed to me that was something that your committee should know, that this man who is testifying here had our secretary-treasurer shadowed. Thank you.

The CHAIRMAN. The Chair makes this further observation. If you folks want to have a quarrel and fuss with each other and cuss each other, get out of here to do it. That is all I can say to you.

We are not going to tolerate it here. But anybody who attempts to intimidate a witness, coerce him, or try to frighten him from testifying or from appearing here and cooperating with this committee, I have announced my position with respect to it.

Senator CURTIS. Mr. Chairman, the counsel did not present a point of law, and he attempted to recite facts, and he did not state whether he heard the conversation he referred to, and I do not believe he is under oath.

Now, I have two suggestions to make: If this matter is to be pursued, I think the best evidence should be used, and it should be under oath. I also believe that it might contribute to orderly procedure if that space back there reserved for witnesses just before they take the witness stand, and counsel, if that space could be cleared out.

There are a number of people sitting there. I don't know who they are, but I would like to have them identify themselves. There is quite an aggregation back of Mr. Rauh there.

(At this point, the following members were present: Senators McClellan, Ives, Mundt, Curtis, and Goldwater.)

The CHAIRMAN. My understanding is some of them are attorneys. Mr. Smith is an attorney, and the attorney we just had on the witness stand a moment ago, and these other two gentlemen in front are attorneys. Those folks in the back, I don't know who they are.

Senator MUNDT. Mr. Chairman, I think it would help clarify this situation, if Mr. Mazey is in the audience, if he will stand up, so we will know whether he is in a position to intimidate witnesses or not.

Mr. RAUH. Mr. Mazey has informed me that he is prepared to testify on the incident of yesterday afternoon.

Senator MUNDT. Is he in the audience, Mr. Rauh, and, if so, would you have him stand up?

Mr. MAZEY. I am Emil Mazey.

The CHAIRMAN. All right, Mr. Mazey, you are now identified.

Senator CURTIS. Who are the other members back there?

The CHAIRMAN. Each one of you stand up, and we will see who you are.

Mr. CONGER. Me, too?

The CHAIRMAN. You, yes, All of you. Start here and repeat your name and address.

Senator MUNDT. And position.

Mr. CONGER. Lyman C. Conger, counsel for Kohler Co.

Mr. SMITH. Ellison D. Smith, Jr., counsel for Kohler Co.

Mr. DESMOND. Girard A. Desmond, attorney for Kohler Co.

Mr. RAUH. Joseph L. Rauh, Jr., counsel for UAW.

Mr. RABINOWITZ. David Rabinowitz, counsel for UAW.

Mr. CONWAY. Jack Conway, administrative assistant to the president of the UAW.

Mr. BREIRATHER. Leo Breirather, chief steward of local 833.

Mr. KRANZ. Harry Kranz, assistant to the president, UAW.

Mr. MAZEY. Emil Mazey, secretary-treasurer of the UAW.

Mr. FERRAZZA. Jess Ferrazza, assistant to Emil Mazey.

The CHAIRMAN. All of you gentlemen who are not attorneys, step back and take seats in the back.

Are there any further questions of these witnesses?

All right, you may stand aside. Call the next witness, Counsel.

Mr. RAUH. Mr. Chairman?

Mr. KENNEDY. Mr. Van Ouwerkerk.

Mr. RAUH. Mr. Chairman?

The CHAIRMAN. Yes.

Mr. RAUH. Mr. Mazey has requested that a table be set up equal to the one that was supplied to the company back here. We didn't get a table like the company did there, so our people sat here. Would it be possible that we could have equal facilities as that table?

The CHAIRMAN. Where is the custodian of the building? Get them a table.

Mr. KENNEDY. Mr. Van Ouwerkerk.

The CHAIRMAN. See if they need some pencils, too.

Do you solemnly swear the evidence you shall give this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. VAN OUWERKERK. I do.

TESTIMONY OF WILLARD VAN OUWERKERK

The CHAIRMAN. State your name, your place of residence and business or occupation. Let's have order, please.

Mr. VAN OUWERKERK. My name is Willard Van Ouwerkerk, 636 Pine Street, Sheboygan Falls, Wis.

The CHAIRMAN. Do you have counsel?

Mr. VAN OUWERKERK. No.

The CHAIRMAN. Do you waive counsel?

Mr. VAN OUWERKERK. I do.

The CHAIRMAN. All right; proceed, Mr. Kennedy.

Mr. KENNEDY. Your name is spelled V-a-n O-u-w-e-r-k-e-r-k; is that right?

Mr. VAN OUWERKERK. That is right.

Mr. KENNEDY. And your first name is Willard?

Mr. VAN OUWERKERK. Right.

Mr. KENNEDY. And you come from Sheboygan Falls, Wis.?

Mr. VAN OUWERKERK. Yes.

Mr. KENNEDY. Were you working at the Kohler plant?

Mr. VAN OUWERKERK. Yes.

Mr. KENNEDY. Were you in 1954 working at the Kohler plant?

Mr. VAN OUWERKERK. I was.

Mr. KENNEDY. Had you joined the UAW?

Mr. VAN OUWERKERK. No, sir.

Mr. KENNEDY. When they went out on strike, you did not support the strike; is that right?

Mr. VAN OUWERKERK. No, sir.

Mr. KENNEDY. Following the time that they went out on strike and the mass picketing ended, and you could go back to work, you went back to work, did you?

Mr. VAN OUWERKERK. I did.

Mr. KENNEDY. Was there at that time some considerable bitterness between the strikers and the nonstrikers?

Mr. VAN OUWERKERK. I would say there was.

Mr. KENNEDY. On or about June 18, 1954, did you visit a tavern, Zapetto's Tavern?

Mr. VAN OUWERKERK. I did.

Mr. KENNEDY. In Sheboygan Falls, Wis.?

Mr. VAN OUWERKERK. That is right.

Mr. KENNEDY. That was about 11:45 p. m.?

Mr. VAN OUWERKERK. If I remember right, yes.

Mr. KENNEDY. Approximately that time?

Mr. VAN OUWERKERK. Approximately; yes.

Mr. KENNEDY. While you were there, was there a conversation with a woman?

Mr. VAN OUWERKERK. There was.

Mr. KENNEDY. And did that woman identify herself as Mrs. Robert Burkhart?

(At this point, Senator Mundt withdraw from the hearing room.)

Mr. VAN OUWERKERK. That is right.

Mr. KENNEDY. Would you relate to the committee what occurred during that conversation and then what happened?

Mr. VAN OUWERKERK. She asked me who I was and I told her.

Mr. KENNEDY. What was Mrs. Burkhart doing at that time?
Mr. VAN OUWERKERK. I wouldn't know.
Mr. KENNEDY. Was she just in the tavern?
Mr. VAN OUWERKERK. I imagine she was.
Mr. KENNEDY. Where did you see her?
Mr. VAN OUWERKERK. She came up to us.
Mr. KENNEDY. You were sitting at the bar; were you?
Mr. VAN OUWERKERK. I was sitting at the bar with my wife.
Mr. KENNEDY. And she came up and started talking to you?
Mr. VAN OUWERKERK. She did.
Mr. KENNEDY. Continue, please.
Mr. VAN OUWERKERK. Well, she asked me if I belonged to the union and I said "no." Well, she wanted to know why not, and I told her that—well, I just didn't believe it; that I figured that if the lines were open, I had a family to support, and I thought I was going to support them.

So then we were talking a little while longer. I don't just remember the conversation.

Mr. KENNEDY. Did she identify herself at that time?
Mr. VAN OUWERKERK. She did.
Mr. KENNEDY. Did she know who you were?
Mr. VAN OUWERKERK. She knew from somebody. I don't know who.
Mr. KENNEDY. She said you were Willard Van Ouwerkerk?
Mr. VAN OUWERKERK. That is right. She introduced herself as Mrs. Robert Burkhart.
Mr. KENNEDY. Continue.
Mr. VAN OUWERKERK. Well, we talked a little while longer and finally she said, "Well, I will call somebody." I don't remember the name. I said, "No; that wouldn't be necessary."
Mr. KENNEDY. Why did she say she would have to call somebody?
Mr. VAN OUWERKERK. Well, I suppose she wanted somebody else to talk to me. I don't know.
Mr. KENNEDY. She started to talk to you about not working at the plant?
Mr. VAN OUWERKERK. She did.
Mr. KENNEDY. And then she said she was going to get somebody else to talk to you, and she was going to call someone?
Mr. VAN OUWERKERK. Yes. I told her that wouldn't be necessary because we were leaving.
Mr. KENNEDY. Was it antagonistic at that time?
Mr. VAN OUWERKERK. No; I wouldn't say it was.
Mr. KENNEDY. But you didn't want to get into any kind of an argument?
Mr. VAN OUWERKERK. I didn't want to get into anything. Then as I got off the stool, somebody hit me from behind, in the back of the head.
Mr. KENNEDY. You were struck on the back of the head?
Mr. VAN OUWERKERK. I was.
Mr. KENNEDY. And you never saw the person who struck you at all?
Mr. VAN OUWERKERK. I never saw him.
Mr. KENNEDY. You were knocked down then?

Mr. VAN OUWERKERK. I was knocked unconscious. I was on the floor.

Mr. KENNEDY. You were knocked unconscious?

Mr. VAN OUWERKERK. I was.

Mr. KENNEDY. Is that right?

Mr. VAN OUWERKERK. That is right.

Mr. KENNEDY. And when did you regain consciousness?

Mr. VAN OUWERKERK. I regained consciousness outside.

Mr. KENNEDY. You regained consciousness outside?

Mr. VAN OUWERKERK. That is right.

Mr. KENNEDY. Afterward, was it related to you as to what happened when you were knocked down to the floor?

Mr. VAN OUWERKERK. Yes. I heard about it afterward.

Mr. KENNEDY. What did they tell you as to what happened?

Mr. VAN OUWERKERK. Well, they told me that this person had worked on me with his feet on my back.

Mr. KENNEDY. With his what?

Mr. VAN OUWERKERK. With his feet.

Mr. KENNEDY. Once you were knocked to the ground from behind, the man then began to kick you, is that right?

Mr. VAN OUWERKERK. That is right.

Mr. KENNEDY. And he kicked you in your ribs?

Mr. VAN OUWERKERK. My ribs, yes.

Mr. KENNEDY. And continued to kick you until they pulled him away?

Mr. VAN OUWERKERK. That is right.

Mr. KENNEDY. And finally somebody carried you outside?

Mr. VAN OUWERKERK. Yes.

Mr. KENNEDY. When you regained consciousness, did you subsequently go to the hospital?

Mr. VAN OUWERKERK. Do you mean directly?

Mr. KENNEDY. Well, directly you did not go?

Mr. VAN OUWERKERK. No.

Mr. KENNEDY. But subsequently you did go to the hospital?

Mr. VAN OUWERKERK. I did.

Mr. KENNEDY. What? The following day?

Mr. VAN OUWERKERK. This was on a Friday night. I went to the hospital on Sunday.

Mr. KENNEDY. Did they take X-rays at that time?

Mr. VAN OUWERKERK. That I ain't sure of. I couldn't answer that.

Mr. KENNEDY. Well, did they find, anyway, that you had any ribs broken or any broken bones in your body?

Mr. VAN OUWERKERK. Yes, through X-rays.

Mr. KENNEDY. Through X-rays?

Mr. VAN OUWERKERK. That is right.

Mr. KENNEDY. How many ribs did you find were broken?

Mr. VAN OUWERKERK. It was either 3 or 4.

Mr. KENNEDY. Three or four of your ribs?

Mr. VAN OUWERKERK. That is right.

Mr. KENNEDY. Were you beaten in any other place?

Mr. VAN OUWERKERK. Well, I had a punctured lung, and then I contracted pneumonia from that lung.

Mr. KENNEDY. You contracted pneumonia from that lung.

Mr. VAN OUWERKERK. That is right.

Mr. KENNEDY. How long were you in the hospital?

Mr. VAN OUWERKERK. I was in there some twenty-odd days. I think it was 22.

(At this point, Senator Ives withdrew from the hearing room.)

Mr. KENNEDY. So you were knocked down by an unknown assailant and when you were down on the floor, he proceeded to kick you, and you were kicked and knocked unconscious. You were carried outside and ultimately went to this hospital and found that you had 3 or 4 broken ribs, had a punctured lung, and ultimately contracted pneumonia, is that right? Was there anything else regarding that?

Mr. VAN OUWERKERK. In what way?

Mr. KENNEDY. Well, I mean anything else that happened to you, not that that is not sufficient, but was there anything else regarding this incident?

Mr. VAN OUWERKERK. No, I wouldn't say so.

Mr. KENNEDY. Now, subsequently, charges were brought against this man?

Mr. VAN OUWERKERK. They were.

Mr. KENNEDY. And that was found to be Mr. William Vinson?

Mr. VAN OUWERKERK. That is right.

Mr. KENNEDY. And he is an international organizer for the UAW?

Mr. VAN OUWERKERK. That is right.

Mr. KENNEDY. He did not come from Sheboygan.

Mr. VAN OUWERKERK. No.

Mr. KENNEDY. He was brought in from Detroit?

Mr. VAN OUWERKERK. The way I understand, he was.

Mr. KENNEDY. But he had not worked in the plant?

Mr. VAN OUWERKERK. Not to my knowledge.

Mr. KENNEDY. And you identified him as an international organizer of the UAW, is that correct?

Mr. VAN OUWERKERK. Well, I heard he was.

Mr. KENNEDY. And subsequently there was a trial held and he was found guilty?

Mr. VAN OUWERKERK. That is right.

Mr. KENNEDY. And the judge sentenced him to 2 years.

Mr. VAN OUWERKERK. I believe that is right.

Mr. KENNEDY. That was Judge Schlicting?

Mr. VAN OUWERKERK. That is right.

Mr. KENNEDY. Was Judge Schlicting denounced by Mr. Emil Mazey, of the UAW?

Mr. VAN OUWERKERK. They had a lot of trouble. I don't know what it was.

Mr. KENNEDY. Did you understand that he was denounced by Mr. Emil Mazey, of the UAW?

Mr. VAN OUWERKERK. I couldn't answer that.

Mr. KENNEDY. You don't have any personal knowledge of that?

Mr. VAN OUWERKERK. No, I don't.

Mr. KENNEDY. I expect we will go into that.

Mr. VAN OUWERKERK. Yes, sir.

The CHAIRMAN. Do I understand that after you received this beating from an international representative of the union that the court was criticized for the decision it rendered?

Mr. VAN OUWERKERK. To my knowledge it was.

The CHAIRMAN. Do you know whether any action was ever taken by the international to condemn or to reprimand or to in any way punish Mr. Vinson for his vicious assault upon you?

Mr. VAN OUWERKERK. No, I don't.

The CHAIRMAN. Do you know whether Mr. Vinson is still a representative of the international union?

Mr. VAN OUWERERK. I wouldn't know.

The CHAIRMAN. Will we be able to show these facts by the witness?

Mr. KENNEDY. Regarding the attack by Mr. Vinson?

The CHAIRMAN. The question arises in my mind of did the international union condone and approve the action of its international representative in making this assault?

Mr. KENNEDY. We will have testimony on that.

The CHAIRMAN. All right. Proceed.

Mr. KENNEDY. I might read from the Supreme Court in upholding Judge Schlicting, circuit court judge, it states:

The violence of Mr. Vinson's attack on Mr. Van Ouwerkerk, the continuation of the attack of kicking while Mr. Van Ouwerkerk lay helpless on the floor, the serious injuries which Vinson inflicted, the disproportion in the size and age of two men, which removed fear of personal danger to Vinson from reprisal by Van Ouwerkerk, are matters of evidence which the jury was entitled to consider when reaching a conclusion concerning Vinson's state of mind while he carried on the assault. It is quite impossible to conclude under such circumstances that in so doing, Vinson lacked an intent to hurt Van Ouwerkerk and hurt him badly. Contrary to appellant's contention, the evidence and the inferences from which it was the province of the jury to draw, established beyond a reasonable doubt that the assault was made by Vinson with the intent to inflict great bodily harm on Van Ouwerkerk.

The CHAIRMAN. May I ask the witness if this Mrs. Burkhart who accosted you there and inquired about your union membership, is she the wife of the Burkhart who testified here a day or two ago?

Mr. VAN OUWERKERK. To my knowledge she was. I don't know for sure.

The CHAIRMAN. It appears that at that time possible he had two wives. Do you know which one it was?

Mr. VAN OUWERKERK. No, I wouldn't.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. How tall are you, Mr. Van Ouwerkerk?

Mr. VAN OUWERKERK. About 5 feet, 6 inches.

Senator CURTIS. How much do you weigh?

Mr. VAN OUWERKERK. About 125.

Senator CURTIS. Was that about your weight at the time this assault was committed against you?

Mr. VAN OUWERKERK. That is right.

Senator CURTIS. How old are you?

Mr. VAN OUWERKERK. 53 now.

Senator CURTIS. Who accompanied you into this tavern?

Mr. VAN OUWERKERK. My wife.

Senator CURTIS. She remained there during that assault?

Mr. VAN OUWERKERK. She did.

Senator CURTIS. She saw what happened?

Mr. VAN OUWERKERK. Yes, I would say she would.

Senator CURTIS. Where were you and your wife? Seated at a table or up near the bar some place?

Mr. VAN OUWERKERK. We were at the bar.

Senator CURTIS. And that is where you were when this woman came up and talked to you?

Mr. VAN OUWERKERK. That is right.

Senator CURTIS. And she held herself out to be Mrs. Robert Burkhart?

Mr. VAN OUWERKERK. That is right.

Senator CURTIS. What was the purpose of her engaging you in conversation?

Mr. VAN OUWERKERK. Well, I don't know what it would be. She must have found my name from somebody.

Senator CURTIS. But she asked where you worked?

Mr. VAN OUWERKERK. Yes, she did.

Senator CURTIS. Then did she ask you what part you were taking in the strike or what your position was?

Mr. VAN OUWERKERK. She asked me why I was working.

Senator CURTIS. And by that she meant why were you working while the strike was going on?

Mr. VAN OUWERKERK. That is right.

Senator CURTIS. What did you tell her?

Mr. VAN OUWERKERK. I told her I had a family to support, that I didn't figure on joining the union and that is why I was working.

Senator CURTIS. How much family do you have?

Mr. VAN OUWERKERK. I have four daughters.

Senator CURTIS. What are their ages?

Mr. VAN OUWERKERK. Do you mean now or then?

Senator CURTIS. At that time. Just approximately.

Mr. VAN OUWERKERK. 8, 12, 15, and 19.

Senator CURTIS. What happened after you told her that you were working and why you were working? Then what did she say to you?

Mr. VAN OUWERKERK. Well——

Senator CURTIS. Did she disagree with you on working?

Mr. VAN OUWERKERK. As much as I remember, sure she did.

Senator CURTIS. Then what did she say she was going to do?

Mr. VAN OUWERKERK. She said she would call somebody.

Senator CURTIS. I see.

The CHAIRMAN. Call somebody?

Mr. VAN OUWERKERK. Yes.

Senator CURTIS. Is it your belief that her conversation with you and her statement she would call somebody was connected with the assault that was inflicted upon you?

Mr. VAN OUWERKERK. I think it was.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. Senator Goldwater, have you any questions?

Senator GOLDWATER. I have no questions, Mr. Chairman.

The CHAIRMAN. Do you have any further statement to make.

Mr. OUWERKERK. No, I haven't.

The CHAIRMAN. You may be excused from the witness stand for the present, but stand by. You may be recalled. Call the next witness.

Mr. KENNEDY. Mr. William Vinson.

The CHAIRMAN. You will be sworn. Do you solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. VINSON. I do.

TESTIMONY OF WILLIAM VINSON

The CHAIRMAN. State your name, your place of residence, and business or occupation.

Mr. VINSON. My name is William Vinson. I work for Chrysler Corp. in Detroit, Mich. I live at 8956 Armour, Detroit, Mich.

Mr. RAUH. Mr. Chairman?

The CHAIRMAN. Do you have counsel representing you? Is it Mr. Rauh?

Mr. VINSON. Yes, sir; I do.

The CHAIRMAN. Let the record so show.

Mr. RAUH. Mr. Chairman?

The CHAIRMAN. Mr. Rauh.

Mr. RAUH. May my letter requesting that the Vinson case not be retried be made a part of the record and read into it at this point?

The CHAIRMAN. I have no objection. Is there any objection?

The letter will be made a part of the record at this point.

(The letter referred to is as follows:)

RAUH & LEVY,
Washington, D. C., March 6, 1958.

Senator JOHN L. MCCLELLAN,
Chairman, Select Committee,
Senate Office Building, Washington, D. C.

DEAR SENATOR MCCLELLAN: The United Automobile Workers respectfully requests that the committee refrain from retrying the assault case for which William Vinson, a member of Local 212 of United Automobile Workers, has already paid his full measure of legal penalty.

We understand that the committee intends this morning to call a number of witnesses concerning the incident for which Mr. Vinson was convicted and sentenced. We believe that, in all fairness, where a man has paid his debt to society, he should not be subjected to a second penalty through public rehearing of his case.

We appeal to the sense of fair play of the chairman and of the members of this committee in this regard.

Sincerely yours,

JOSEPH L. RAUH, Jr.

The CHAIRMAN. The request is overruled. This committee is not trying the case again. This committee is inquiring into improper practices, whether they have resulted in a case that has been disposed of or not. So we will proceed.

Proceed, Mr. Counsel.

Mr. KENNEDY. Mr. Vinson, you were in Sheboygan, Wis.?

Mr. VINSON. Yes; I was.

Mr. KENNEDY. Prior to that time, what position did you hold?

Mr. VINSON. Do you mean in the union?

Mr. KENNEDY. Yes.

Mr. VINSON. I was chief steward for Briggs Manufacturing Co.

Mr. KENNEDY. Briggs Manufacturing Co.?

Mr. VINSON. Yes, sir.

Mr. KENNEDY. That is local 212 of the UAW?

Mr. VINSON. That is right.

Mr. KENNEDY. Had you been elected to that position?

Mr. VINSON. Yes, sir; I had.

Mr. KENNEDY. How long had you held the position?

Mr. VINSON. About 4 years.

Mr. KENNEDY. You were elected when, about 1950?

Mr. VINSON. I believe I was elected in 1949.

Mr. KENNEDY. And that is the Briggs Manufacturing Co.?

Mr. VINSON. That is right.

Mr. KENNEDY. That is in Detroit?

Mr. VINSON. Yes, sir.

(At this point, Senator Kennedy entered the hearing room.)

Mr. KENNEDY. You went up to Sheboygan, Wis., to assist in the strike?

Mr. VINSON. I did.

Mr. KENNEDY. Would you tell the committee why you went up there?

Mr. VINSON. Well, the Briggs Manufacturing Co., as you know, manufacturers plumbingware, and any time that there is a sweatshop anywhere in the country that people are not getting a fair break, as far as wages and working conditions, it has always been a practice in my local to try to help organize these places, wherever they might be, Detroit or whatever might happen as far as the people to be organized.

Mr. KENNEDY. Who decided that you should be sent up there?

Mr. VINSON. Well, I don't know offhand just who called and asked us to come up there. I believe the call was made from Chicago at the time. Our local offices were there, and they called somebody at the local and they got in touch with me at home and asked me to go up there.

Mr. KENNEDY. What compensation did you receive while up there?

Mr. VINSON. I was paid by my local union while I was up there.

Mr. KENNEDY. Local 212?

Mr. VINSON. That is right.

Mr. KENNEDY. You were not paid by the international?

Mr. VINSON. No, sir.

Mr. KENNEDY. Did you receive any expenses from the international?

Mr. VINSON. No, sir.

Mr. KENNEDY. This was all compensation from your local 212?

Mr. VINSON. Yes, sir.

Mr. KENNEDY. And you received your instructions to go up from an officer of local 212?

Mr. VINSON. I don't believe he was an officer of 212.

Mr. KENNEDY. Who gave you the instructions to go up there?

Mr. VINSON. I don't remember fully who it was that actually called me at home and asked me to go up there. I believe Russ Barrow was the man from Chicago who called Detroit.

Mr. KENNEDY. Who is Russ Barrow? What is his position?

Mr. VINSON. He is deceased now.

Mr. KENNEDY. What was his position?

Mr. VINSON. I believe he was recording secretary at the time.

Mr. KENNEDY. Of local 212?

Mr. VINSON. I believe he was.

Mr. KENNEDY. So you went up there. What were the financial arrangements?

Mr. VINSON. When we went up there, there wasn't any financial arrangements, other than to give us expense money to go up, and after we were up there it was to be worked out how much money we would get for lost time for wages lost from the shop.

Mr. KENNEDY. Did anybody else from local 212 go up?

Mr. VINSON. Yes, sir.

Mr. KENNEDY. Who else?

Mr. VINSON. John Gunaca.

Mr. KENNEDY. Who else?

Mr. VINSON. Boyce Lard, James Conner. That is all that went at the time with the exception of myself.

Mr. KENNEDY. Were there others that went up at a later time?

Mr. VINSON. Well, there was one fellow from our local that was up there with our sound truck.

Mr. KENNEDY. With your sound truck?

Mr. VINSON. Yes.

Mr. KENNEDY. Did your local loan your sound truck to local 833?

Mr. VINSON. I really don't know what arrangements were made with that. The international made that arrangement. I don't know.

Mr. KENNEDY. Who was the man who went with the sound truck?

Mr. VINSON. Jim Fiore.

Mr. KENNEDY. Were all of these individuals compensated out of local 212?

Mr. VINSON. I don't know.

Mr. KENNEDY. You just know as far as yourself?

Mr. VINSON. As far as myself.

Mr. KENNEDY. Did anybody else that you know of from local 212 go up?

Mr. VINSON. Not that I know of.

Mr. KENNEDY. At any later time did anybody from local 212 go up that you know of?

Mr. VINSON. No; I don't know of anybody that went up later.

Mr. KENNEDY. So those four men, plus the man with the sound truck?

Mr. VINSON. That is right.

Mr. KENNEDY. Do you know what happened to the sound truck ultimately?

Was that given to local 833?

Mr. VINSON. I believe it was.

Mr. KENNEDY. It was turned off by local 212 to 833?

Mr. VINSON. I believe it was.

Mr. KENNEDY. What salary and expenses did you receive while you were up at Sheboygan?

Mr. VINSON. It seems to me we got lost time from the shop; I believe it was $96; I am not sure.

Mr. KENNEDY. $96 a week?

Mr. VINSON. Yes. And I believe we got $7 a day expense money for hotel bills.

Mr. KENNEDY. Did you take a leave of absence from the Briggs Co.?

Mr VINSON. Yes, sir; I did.

Mr. KENNEDY. Was that provided in the union contract?

Mr. VINSON. Yes, sir; it is.

Mr. KENNEDY. Mr. Van Ouwerkerk—first, how long were you up in Sheboygan?

Mr. VINSON. Well, I was there from April 9 to sometime in July.

Mr. KENNEDY. And Mr. Van Ouwerkerk has just testified, and I believe you have been tried on the charges of beating Mr. Van Ouwerkerk in this bar, in this tavern?

Mr. VINSON. I have.

Mr. KENNEDY. Would you like to tell what your position is on it?

Mr. VINSON. My position on it is I think I got a very unfair and unjust trial on the sentence side of it. I got the strongest sentence of any man that was ever sent up from Sheboygan County.

Mr. KENNEDY. Did you hit Mr. Van Ouwerkerk?

Mr. VINSON. I hit Mr. Van Ouwerkerk.

Mr. KENNEDY. Did you kick him when he was down?

Mr. VINSON. No; I didn't kick them.

Mr. KENNEDY. Do you know how he got 3 or 4 broken ribs?

Mr. VINSON. I broke them with my fists.

Mr. KENNEDY. Did you get down on the ground with him?

Mr. VINSON. No; I didn't get down on the ground with him.

Mr. KENNEDY. Did you hit him with your fist before he went down?

Mr. VINSON. I hit him with the back of my left hand on the neck and I hit him in the ribs with my fist.

Mr. KENNEDY. For what reason?

Mr. VINSON. I came out of the restroom and as I came out of the restroom, I heard somebody say "Let's get the hell out of here; there is too many union people here." So I lost my temper and I hit him.

Mr. KENNEDY. You didn't kick him?

Mr. VINSON. No; I didn't kick him.

Senator GOLDWATER. How old are you?

Mr. VINSON. Thirty-one.

Senator GOLDWATER. How old were you when this incident took place?

Mr. VINSON. Twenty-seven.

Senator GOLDWATER. How tall are you?

Mr. VINSON. Six foot three and a half.

Senator GOLDWATER. How much do you weigh?

Mr. VINSON. About 230.

Senator GOLDWATER. That is all.

Senator CURTIS. Did you talk to any woman prior to your assault upon Mr. Van Ouwerkerk?

Mr. VINSON. There was a lot of women there. I might have talked to any of them.

Senator CURTIS. Did you talk to any of them?

Mr. VINSON. I don't remember any specific one I talked to. I was bowling with a bunch of women and men.

Senator CURTIS. How did it happen you picked out this particular man to hit?

Mr. VINSON. Well, as I say, when I came out of the restroom, he made this statement, and I hit him.

Senator CURTIS. He made the statement?

Mr. VINSON. He made the statement "Let's get out of here; there is too many union people in here."

Senator CURTIS. Mr. Van Ouwerkerk made that statement?

Mr. VINSON. That is what I found out later. I didn't know who it was at the time.

Senator CURTIS. Who presided over your trial? What judge?

Mr. VINSON. I believe it was Judge Schlicting.

Senator CURTIS. Who was your attorney?

Mr. VINSON. William Quick and David Rabinovitz.

Senator CURTIS. Where do they reside?

Mr. VINSON. Mr. Quick lives in Milwaukee. Mr. Rabinovitz lives in Sheboygan.

Senator CURTIS. Are either of those gentlemen in the committee room now?

Mr. VINSON. Mr. Rabinovitz is here.

Senator CURTIS. Is he an attorney for the UAW?

Mr. VINSON. He is.

Senator CURTIS. Was he at that time?

Mr. VINSON. Yes, sir; he was.

Senator CURTIS. Did they provide you with your defense?

Mr. VINSON. They did.

Senator CURTIS. Did you pay any part of it yourself?

Mr. VINSON. No, sir.

Senator CURTIS. They paid both attorneys?

Mr. VINSON. I presume they did.

Senator CURTIS. There was an appeal taken?

Mr. VINSON. Yes, sir.

Senator CURTIS. And the appeal was decided against you?

Mr. VINSON. Yes, sir; it was.

Senator CURTIS. How long a time did you serve?

Mr. VINSON. Thirteen and a half months.

Senator CURTIS. And you say you did break his ribs?

Mr. VINSON. I presume I broke his ribs. He testified in court that they were broken.

Senator CURTIS. I heard you testify that you did it with your hands.

Mr. VINSON. If his ribs were broken, I broke them with my hands.

Senator CURTIS. You were the individual that did the assaulting; there is no question about that?

Mr. VINSON. There is no question about that. I admitted that.

Senator CURTIS. Where are you employed now?

Mr. VINSON. Chrysler Corp, Detroit, Mich.

Senator CURTIS. In what capacity?

Mr. VINSON. I am a painter and glazier.

Senator CURTIS. What salary were you receiving at the time of this assault?

Mr. VINSON. Do you mean the salary from the union?

Senator CURTIS. From all sources.

Mr. VINSON. I believe I was getting $7 a day for expense for my hotel bill and incidentals and I was getting $96 a week, I believe, for my lost time that I was losing out of the shop.

Senator CURTIS. Who was paying that?

Mr. VINSON. Local 212.

Senator CURTIS. Do you know who paid your lawyers?

Mr. VINSON. No, I don't.

Senator CURTIS. Did you receive any compensation while you were serving time?

Mr. VINSON. I received none.

Senator CURTIS Do you have any family?

Mr. VINSON. I do.

Senator CURTIS. Did they receive anything?

Mr. VINSON. My wife did.

Senator CURTIS. From whom?

Mr. VINSON. She received from the local 212 and from the UAW.

Senator CURTIS. By the UAW, you mean the international?

Mr. VINSON. That is right.

Senator CURTIS. How much did she receive?

Mr. VINSON. $50 from each one, a week.

Senator CURTIS. $50 from each one each week?

Mr. VINSON. That is right.

Senator CURTIS. Do you know who in the UAW arranged for that?

Mr. VINSON. I don't know offhand who arranged for it. I believe Mr. Mazey was instrumental in it, and the local officers as a whole.

Senator CURTIS. How did it happen that the Briggs local sent you fellows down to Kohler? Who communicated with the local as to what was going on at Kohler and that you were wanted down there?

Mr. VINSON. Well, we always receive reports as to what is going on when there is a strike going on, and we have any interest in it.

Senator CURTIS. From what source do you get that report?

Mr. VINSON. Well, Jimmie Fiore, for one. We talked to him quite a few different times on the telephone.

Senator CURTIS. What was his position?

Mr. VINSON. He went down with the sound truck. I really don't know what his position would be.

Senator CURTIS. But that was the source of the local's information?

Mr. VINSON. I am speaking for myself, and I am not speaking for the officers, and I don't know where they got their information.

Senator CURTIS. I want to ask you this: Did the international officers have any conversations with the Briggs local or have any part in arranging for you people to go down there?

Mr. VINSON. I presume they did, and I am not sure.

Senator CURTIS. If that was done, who would have probably handled it?

Mr. VINSON. I don't know.

Senator CURTIS. Well, now, who gave you your instructions on the job at Kohler?

Mr. VINSON. I never had any instructions.

Senator CURTIS. From no one?

Mr. VINSON. From no one.

Senator CURTIS. You were operating entirely on your own?

Mr. VINSON. I was told to go to Kohler, Wis., Sheboygan, Wis., and that there would be a meeting on Sunday night, and I got there and we went to the meeting and I never received no orders from anybody.

Senator CURTIS. How long did you remain there before you were arrested or put out of circulation?

Mr. VINSON. Would you repeat that, please?

Senator CURTIS. How long were you there?

Mr. VINSON. I was there from April until July.

Senator CURTIS. And no one gave you any orders?

Mr. VINSON. I never had any specific orders from anybody.

Senator CURTIS. Well, did you have some that weren't very specific?

Mr. VINSON. I beg your pardon?

Senator CURTIS. Did you have some that weren't specific?

Mr. VINSON. No, I have never really had any. We used to have a lot of discussions.

Senator CURTIS. Who would you have discussions with?

Mr. VINSON. Any number of people that were on strike, and strikers.

Senator CURTIS. You attended the strike meetings?

Mr. VINSON. I attended the strike meetings.

Senator CURTIS. Who would be in charge of the strike meetings?

Mr. VINSON. The sergeant at arms.

Senator CURTIS. What is that?

Mr. VINSON. The sergeant at arms is in charge of the strike meeting.

Senator CURTIS. Who would be the chief representative of the UAW?

Mr. VINSON. Well, it all depends on what kind of meeting it was.

Senator CURTIS. Well, what kind of meetings did you have?

Mr. VINSON. Well, they had general membership meetings, and——

Senator CURTIS. I am talking about the strike committee meetings.

Mr. VINSON. Well, the strike committee meetings, they met every morning.

Senator CURTIS. And you usually attended?

Mr. VINSON. Most of the time.

Senator CURTIS. Who laid out the program?

Mr. VINSON. We had no program.

Senator CURTIS. What did you meet for?

Mr. VINSON. Just to talk over how the strike was going.

Senator CURTIS. Who led the talking?

Mr. VINSON. Well, whoever got the floor first was usually leading the talking, and we had no chairman or anything of it.

Senator CURTIS. Was Emil Mazey ever there?

Mr. VINSON. I never saw Emil Mazey at one of those meetings.

Senator CURTIS. Did you ever see him around the Kohler locality?

Mr. VINSON. I don't believe I ever saw Mr. Mazey even out to the strike line, out to the picket line myself.

Senator CURTIS. Did you ever see him in that community at all?

Mr. VINSON. I have seen him in that community.

Senator CURTIS. Where did you see him?

Mr. VINCENT. I saw him in Sheboygan on a couple of different occasions.

Senator CURTIS. What would be the occasions?

Mr. VINSON. Well, there would be a general membership meeting and he would be the speaker, or something like that. That is all.

Senator CURTIS. But it is your story that there was no one in charge, and no plan laid out, and that you were just down there on your own, is that right?

Mr. VINSON. That is right.

Senator CURTIS. That is all.

Senator GOLDWATER. Mr. Chairman, I have a question.

You said that Mr. Rus Baril called you to go down there?

Mr. VINSON. No, Mr. Rus Baril didn't call me. I believe he made the call from Chicago to my local officers and I don't remember who called from my local office, whether it was a local officer or someone from the shop where I was. And I wasn't in the shop that day to work, and I don't remember who called me, and they talked to my wife and I went to the local union hall, and from there we left for Sheboygan.

Senator GOLDWATER. What was Mr. Baril's position in the local?

Mr. VINSON. I believe he was recording secretary at the time.

Senator GOLDWATER. In Chicago?

Mr. VINSON. No, in Detroit. They were in Chicago to an educational meeting, international education meeting, I believe.

Senator GOLDWATER. Can you state definitely that Mr. Baril was recording secretary, or is that just your recollection?

Mr. VINSON. I am pretty sure he was, to the best of my recollection.

Senator GOLDWATER. The recording secretary of the international?

Mr. VINSON. No, of my local union.

Senator GOLDWATER. Of your local union?

Mr. VINSON. Yes, sir.

Senator GOLDWATER. Who would have been at that meeting in Chicago?

Mr. VINSON. I have no idea.

Senator GOLDWATER. It is an educational meeting?

Mr. VINSON. It was

Senator GOLDWATER. Mr. counsel, as a matter of interest, it might be interesting to know who attended that educational meeting in Chicago, inasmuch as the gentleman we are talking about has passed on, and if it would be possible to obtain a list of those people who were there, it might help and it might not help this series of meetings.

The CHAIRMAN. Can you supply a list of them?

Mr. RAUH. Yes, it was a well-publicized meeting, sir, and when we don't have conventions, which is on the off year, on the odd year we have conventions and on the even year we have educational conferences, and this happens to be the one where Bishop Schiele made his famous speech, and I presume we have a record of who was there and it will be supplied.

The CHAIRMAN. Were there large numbers there?

Mr. RAUH. A couple of thousand, I would say, and like at our conventions we have a delegate list and I presume we have a delegate lits here and we would be happy to supply it.

The CHAIRMAN. Is that what you want?

Senator GOLDWATER. It is the educational meeting that you hold here occasionally, and I know the size of those.

Mr. VINSON. It was the same thing.

Mr. RAUH. It was the same one Senator Curtis spoke at last year, at our 1956 one—Senator Curtis, and who else was there, sir?

Senator CURTIS. Senator Knowland.

Mr. RAUH. And I believe Senator Humphrey and Senator Kefauver represented the Democrats, in an all-day debate before our educational conference, and this was the same thing, Senator Goldwater.

Senator GOLDWATER. I will withdraw the request. That isn't necessary.

Mr. Vinson, who did you report to when you got to Kohler?

Mr. VINSON. I really did'nt report to anyone. I went there and I knew the fellows that were there, some of them, and I just went there and we had a meeting, and we talked things over and how the strike was going and how it was progressing, and outside of that, I never really reported to anyone.

Senator GOLDWATER. Would you name the people that you knew there?

Mr. VINSON. Well, I knew—I didn't really know Don Rand, I heard of him. I knew a fellow by the name of Barber, and I believe

his name was Guy Barber. I knew him. I knew Jim Fiorre, and I believe that is all that I really personally knew that was there.

Senator GOLDWATER. And when you hit there for the first time, did you meet with all three of those, or did you meet with one?

Mr. VINSON. Well, there was a meeting, and there were some 20 people there, and that was the only people that I knew of the bunch.

Senator GOLDWATER. That was a Sunday evening meeting?

Mr. VINSON. Yes, sir.

Senator GOLDWATER. What other strikes have you participated in?

Mr. VINSON. Well, we always try to avoid a strike if possible.

Senator GOLDWATER. I didn't ask you that. I asked you what strikes you participated in.

Mr. VINSON. I am coming to that, and I never really participated in a strike that was really carried out as a strike. We don't, in Detroit, we don't have too many strikes, and what we have, they put a sign up and we are on strike, and nobody bothers to go in. I never really——

Senator GOLDWATER. Let us put it in another way. How many times have you been engaged in a strike?

Mr. VINSON. Quite a few different times, I have been.

Senator GOLDWATER. How long have you been a union member?

Mr. VINSON. Since 1948.

Senator GOLDWATER. That is about 10 years. How many strikes have you participated in?

Mr. VINSON. I don't know, offhand. Four or five, maybe.

Senator GOLDWATER. Have most of those involved your own local?

Mr. VINSON. They didn't, any of them, involve my own local.

Senator GOLDWATER. Were you on loan to other locals for all of those?

Mr. VINSON. I wasn't on loan. I voluntarily went over and helped the people out, and assisted in the strike.

Senator GOLDWATER. Did you get paid for that voluntary assistance?

Mr. VINSON. I did not.

Senator GOLDWATER. You didn't?

Mr. VINSON. I did not get pair for it.

Senator GOLDWATER. What would you do about supporting your family while you are off helping some other local?

Mr. VINSON. I would go in my spare time, when I wasn't working, and we would go over to the picket line and more or less as morale builders to the people who were on strike, and talk to them, and go to the strike kitchen. And if there was anything we could do to help them out, we would.

Senator GOLDWATER. Have you ever participated in flying squadrons in the course of strikes?

Mr. VINSON. I belong to the flying squadron.

Senator GOLDWATER. Would you explain what the flying squadron does?

Mr. VINSON. I never have done anything in the capacity of the flying squadron myself.

Senator GOLDWATER. You are a member of it, and I am not saying you have done anything, but what are the duties of the flying squadron?

Say they rang a bell, and said, "All members of the flying squadron assemble," you have some idea of your duties, don't you?

Mr. VINSON. Well, we have no specific duties.

Senator GOLDWATER. What is your interpretation of what you should be expected to do as a member of the flying squadron?

Mr. VINSON. I don't really have any interpretation. We have been accused of everything, but we have never done it.

Senator GOLDWATER. Why did you join it?

Mr. VINSON. Well, first of all, when we have local elections and stuff like that, there is always a bunch of people picked from both sides, and we have opposition in our unions too, you know, and there are people picked from each side, and they put two guys at a door, and the election would be run from that.

There would be one on each side and both of us help one another, and we don't let any unauthorized people in or out of the local, when we are holding a vote.

Senator GOLDWATER. That is not getting to the question. Why did you join the flying squadron?

Mr. VINSON. Because I happen to be awful active in my local union.

Senator GOLDWATER. What does the flying squadron do?

Mr. VINSON. Well, that is the only thing I have ever done in the capacity of a flying squadron.

Senator GOLDWATER. Well, the flying squadron stands at the door?

Mr. VINSON. We assist the sergeant at arms.

Senator GOLDWATER. What is the flying squadron's duties in a strike?

Mr. VINSON. Well, we never had any specific duties in a strike.

Senator GOLDWATER. Did you ever appear at a strike as a unit called the flying squadron?

Mr. VINSON. I never appeared at a strike as a unit called the flying squadron.

Senator GOLDWATER. Not the strike called the flying squadron, but did you appear at a strike as a member of the flying squadron?

Mr. VINSON. No.

Senator GOLDWATER. All right. Did you participate in the picket line at Kohler?

Mr. VINSON. I did.

Senator GOLDWATER. Was it peaceful picketing?

Mr. VINSON. I would call it peaceful picketing.

Senator GOLDWATER. Mr. Chairman, I would like to ask that Mr. Vinson identify himself in some of these photographs of peaceful picketing. I will submit them.

The CHAIRMAN. Senator, may I inquire, are these a part of the exhibits?

Mrs. DUCKETT. They are exhibit 7.

The CHAIRMAN. The Chair hands you a series of five pictures which are a part of exhibit 7, or they are exhibit 7 to the testimony the committee has already received. Each picture apparently shows a large group of people. Senator Goldwater asks that you examine the pictures and point out or state if you can find and identify yourself in either of the five pictures which the Chair now presents to you.

(The documents were handed to the witness.)

The CHAIRMAN. Have you examined the pictures?

Mr. VINSON. Yes, sir.

The CHAIRMAN. Do you find yourself in any of the pictures?

Mr. VINSON. All five of them.

The CHAIRMAN. You are in all five of them?

Mr. VINSON. Yes, sir.

The CHAIRMAN. Will you indicate your position in each one of the pictures?

Mr. RAUH. It is indicated on there right on the exhibit.

The CHAIRMAN. Let the Chair see it a moment.

Mr. VINSON. I am No. 1 in each one.

The CHAIRMAN. You are No. 1 in each one of the pictures, and you have already been identified by markings on the pictures, to show that wherever appears No. 1 on this exhibit, the line points to you as one of the parties in the crowd.

Mr. VINSON. I believe so.

The CHAIRMAN. Thank you.

Senator GOLDWATER. Now, Mr. Vinson, in one of these pictures in which you have identified yourself as No. 1, you are in the midst of a large crowd of people, and I am referring to this one specifically.

Mr. VINSON. That is right.

Senator GOLDWATER. And you stand back about here. Now here is a man with his fist doubled up with a leather glove on, and here is a man with an elbow in somebody's neck, and here is a man trying to get his elbow in somebody's face, and here is a man who is not identified but he has a tag on his coat that says, "Mitchell's Bar," I think, and evidently a bowling jacket.

Does that look like peaceful picketing to you?

Mr. VINSON. I was standing away in the back.

Senator GOLDWATER. You were back here, you are 6 foot 3, and you stand up there like the Washington Monument. You were only 3 feet away from the nearest evident act.

Mr. VINSON. I don't believe I show any act of violence in there.

Senator GOLDWATER. I can't see your hands. I will say that. But certainly you must have been aware of violence going on just maybe 6 or 8 or 10 feet away.

Let us take a look at another one. Here is one in which you identified yourself as No. 1, and again I will say you don't look mad, and I am not accusing you of anything, but right in front of you there appears to be an altercation between a man identified as Donald Rand and an unidentified person. Again there is evidence of shoving and one man here is partly down, and another man has on the same leather gloves, and is that peaceful picketing?

Mr. VINSON. To me it is.

Senator GOLDWATER. Well, as I said to somebody else, I would hate to see your idea of a rough one. I am not making any accusations against you in this, and I am just trying to find out whether or not you consider this as peaceful picketing.

Now I want to get back to that flying squadron. When we had the moving pictures down here, I noticed several times that there would be large groups of pickets break off and go some place else. Is that a flying squadron?

Mr. VINSON. They did not have a flying squadron in Kohler.

Senator GOLDWATER. How do you know they did not?

Mr. VINSON. I don't believe they did. To my knowledge they did not.

Senator GOLDWATER. Now you said they did not have one. How do you know they did not have one?

Mr. VINSON. To my knowledge, they did not.

Senator GOLDWATER. Would you have recognized it if you had seen it?

Mr. VINSON. Well, I would not know what to be looking for.

Senator GOLDWATER. You don't have any idea what a flying squadron is supposed to do, and you are a member of a flying squadron?

Mr. VINSON. I don't have any idea what they would do on a picket line, in that situation, no.

Senator GOLDWATER. Have you ever head of the flying squadron being used on a picket line?

Mr. VINSON. No; I don't recall I ever have.

Senator GOLDWATER. You have been in how many strikes did you say in the last 10 years?

Mr. VINSON. 4 or 5.

Senator GOLDWATER. And you never heard of the flying squadron being used on a picket line?

Mr. VINSON. No, sir; I haven't.

Senator GOLDWATER. Again, suppose that you were called by your local and told the flying squadron is assembling at the main gate. You would have to go, I suppose, if you were a member?

Mr. VINSON. If I wanted to go I would.

Senator GOLDWATER. If you were a member you would be expected to go?

Mr. VINSON. Not necessarily.

Senator GOLDWATER. Not necessarily?

Mr. VINSON. No.

Senator GOLDWATER. That is a voluntary organization?

Mr. VINSON. It is; and there is no pay connected with it whatsoever.

Senator GOLDWATER. But there are duties connected with it, aren't there?

Mr. VINSON. No specific duties.

Senator GOLDWATER. So you just belong to the flying squadron?

Mr. VINSON. That is right.

Senator GOLDWATER. Do you wear any special hat or coat?

Mr. VINSON. We have at times had hats and coats.

Senator GOLDWATER. Those big hats that I saw in the movies, the great big floppy hats, were those worn by members of the flying squadron?

Mr. VINSON. There might be some members of the flying squadron had one on.

Senator GOLDWATER. I thought there wasn't a flying squadron up there?

Mr. VINSON. There was no flying squadron up there. I am a member of the flying squadron, and I was up there.

Senator GOLDWATER. And you saw no flying squadron activity at all?

Mr. VINSON. I did not.

Senator GOLDWATER. What were those fellows who wore those big floppy hats?

Mr. VINSON. I believe those hats were bought at Milwaukee, and mostly they were bought for a little morale builder, for people on the picket line.

Senator GOLDWATER. Did they designate leaders?

Mr. VINSON. They did not. Different people wore them different days, and different times. It did not make any difference who wore them.

Senator GOLDWATER. We have heard and read in the press the reference to flying squadron members as "goons." Is that in your opinion a correct definition?

Mr. VINSON. Well, to me I don't think too much of the press, so what they write I don't really care.

Senator GOLDWATER. You didn't answer the question.

The press referred to flying squadron members in various strikes as "goons." Is that a correct description?

Mr. VINSON. Well, that is their interpretation of it. I have no interpretation of its myself.

Senator GOLDWATER. You have no interpretation of flying squadron?

Mr. VINSON. No, sir.

Senator GOLDWATER. You are a member of a flying squadron?

Mr. VINSON. I am.

Senator GOLDWATER. Well, we can chase that all day. Who paid for your bail bond?

Mr. VINSON. I don't know, offhand, who paid it.

Senator GOLDWATER. Did you pay for it?

Mr. VINSON. I did not.

Senator GOLDWATER. You did not?

Mr. VINSON. No.

Senator GOLDWATER. Well, who paid for it?

Mr. VINSON. I don't know.

Senator GOLDWATER. You never found out?

Mr. VINSON. No; I did not.

Senator GOLDWATER. How much were they, do you remember?

Mr. VINSON. I don't even remember how much it was.

Senator GOLDWATER. Well, would you consult with your attorney, and see if you can find out who paid the bail bond?

Mr. VINSON. I will.

Mr. RAUH. I am sure the union did, sir.

Senator GOLDWATER. All right.

Were you an international representative at the time you went up to Sheboygan?

Mr. VINSON. I have never been an international representative.

Senator GOLDWATER. Now, in the NLRB hearing, it is my advice that Mr. Mazey said you were. I will read it to you.

Mr. VINSON. Go ahead.

Senator GOLDWATER. Mr. Gore entered an objection, "Objection, Mr. Examiner." Let us go back further than that.

Question. Who is Vinson, do you know?

Mr. GORE. Objection, Mr. Examiner. This does not go to the matters which were said across the bargaining table. The identification of Vinson can come in some other way.

The TRIAL EXAMINER. Overruled. He may answer.

The WITNESS. Mr. Vinson was an international representative of the UAW, CIO.

Mr. VINSON. Well, I don't ever recall of being on the payroll of the international union as such, as an international representative.

I have on different occasions been on the international payroll, but not as a representative.

Senator GOLDWATER. Were you on the international payroll then?

Mr. VINSON. No.

Senator GOLDWATER. Again, can I ask the attorney, could we be supplied with information relative to the obvious difference of opinion here between Mr. Mazey and Mr. Vinson?

Mr. RAUH. I was going to ask for the privilege of explaining that, and so I am glad to answer.

Senator GOLDWATER. I just wanted to ask, Could we get some proof of whether or not he was an international representative?

Mr. RAUH. Yes; we can supply that if you want additional proof to his own testimony. Mr. Mazey has told me he made a mistake. There are 600 international representatives and he just made a mistake. He does not know the name of each one, sir, and we can supply the 600 international representatives if you like, and that would show the absence of the name. I would be happy to supply that.

Senator GOLDWATER. Well, if you could, yes; that would be the easiest way.

The CHAIRMAN. Do you want all 600 names?

Senator GOLDWATER. They have them printed up?

Mr. RAUH. I do not know what form we have it, but we will produce it if Senator Goldwater wants it.

The CHAIRMAN. Have you ever been an international representative?

Mr. VINSON. No, sir; I never have.

The CHAIRMAN. Have you received pay from the international for your services?

Mr. VINSON. I have.

The CHAIRMAN. In what capacity?

Mr. VINSON. Well, I went to Atlantic City as a sergeant at arms at the convention and I received pay from the international at the time.

The CHAIRMAN. What else?

Mr. VINSON. That is all that I recall.

The CHAIRMAN. You received no pay from the international except in the attendance at a convention where you acted as a sergeant at arms or helped serve as an official of the convention. Is that correct?

Mr. VINSON. That is correct to the best of my knowledge.

The CHAIRMAN. I believe you said awhile ago, and I am going to remind you now, I believe you said that during the time that you were in prison, the international did pay $50 per week to your family, to your wife.

Mr. VINSON. They gave that to my wife and not to me.

The CHAIRMAN. I understand. So those are the only two instances in which you received any pay directly or indirectly from the international?

Mr. VINSON. I believe when I went to court in Wisconsin, I believe at the time I was on the international payroll for expense money and stuff when I went up there, and I don't remember for sure.

The CHAIRMAN. You may have received, according to your testimony, pay during the time that you were attending your trial?

Mr. VINSON. I may have.

The CHAIRMAN. You may have received it from international?

Mr. VINSON. Yes, sir.

The CHAIRMAN. Will you check on that and supply that information for the record?

Mr. VINSON. Yes, sir.

Senator GOLDWATER. I will withdraw my request for the list of international representatives at this time. I merely commented on it because Mr. Mazey said that he was an international representative, but Mr. Mazey will be on the stand and we can talk it over with him.

The CHAIRMAN. The request is withdrawn.

Senator GOLDWATER. Now, Mr. Vinson, who do you think was in charge of the strike at Kohler?

Mr. VINSON. Well, I really don't know who was in charge of it.

Senator GOLDWATER. You were up there for 2½ months?

Mr. VINSON. Something like that.

Senator GOLDWATER. And you were sent up there by your local and you were being paid by your local, and you mean to tell me that you did not know in 2½ months who was running this show?

Mr. VINSON. As far as I was concerned, my local union was.

Senator GOLDWATER. Was running that strike?

Mr. VINSON. My local union was running my end of the show.

Senator GOLDWATER. What did your local union tell you to do up there?

Mr. VINSON. Nothing. "Go up and assist the people," and we set up a strike kitchen.

Senator GOLDWATER. Just go up and wander around?

Mr. VINSON. We were up there more or less as morale builders to give them a little support and show them there were other local unions interested in getting a sweatshop out of the working people.

Senator GOLDWATER. In 2½ months all you did was wander around from the soup kitchen to the picket line to the bars and try to find out where you could help morale?

Mr. VINSON. That is right.

Senator GOLDWATER. You did not report to anybody?

Mr. VINSON. No, I really didn't report to anybody.

Senator GOLDWATER. In 2½ months you did not know who was running this strike?

Mr. VINSON. Well, local 833 was running the strike.

Senator GOLDWATER. And who was telling local 833 to do it?

Mr. VINSON. I don't know who was telling local 833, nobody I don't imagine.

Senator GOLDWATER. How well, in those 2½ months, did you come to know Emil Mazey?

Mr. VINSON. I knew Emil Mazey for a long time.

Senator GOLDWATER. Would you consult with him before you wandered around to build morale?

Mr. VINSON. I never consulted with Emil Mazey one time while I was up there.

Senator GOLDWATER. Did you see him while you were up there?

Mr. VINSON. I saw him on two different occasions.

Senator GOLDWATER. Where would you see him?

Mr. VINSON. I saw him, I believe they were both membership meeting meetings that I saw him.

Senator GOLDWATER. Did you ever sit at a bargaining table?

Mr. VINSON. No.

Senator GOLDWATER. That was not one of the things that your local sent you up there for?

Mr. VINSON. No, we didn't go up there to sit at the bargaining table.

Senator GOLDWATER. What did you go up there for?

Mr. VINSON. Well, like I say, we set up a strike kitchen and we were familiar with the working conditions at Briggs, and we went up there to let the people know that there were other local unions besides local 833 interested in their cause.

Senator GOLDWATER. How many people did local 212 send down?

Mr. VINSON. Four or five, I am not sure.

Senator GOLDWATER. Four or five from Briggs?

Mr. VINSON. Yes, sir.

Senator GOLDWATER. How many other locals outside of the area sent people in?

Mr. VINSON. Well, at different times there were different people in from different locals and I don't know whether their locals sent them or whether they came on their own.

Senator GOLDWATER. Did you receive pay from the international while you were on trial?

Mr. VINSON. I believe I did.

Senator GOLDWATER. Well, you were paid while you were on trial?

Mr. VINSON. Well, I left Sheboygan hastily, you know, and I don't know whether I was paid or not. Really, I don't.

Senator GOLDWATER. Did you get it in the form of cash or a check?

Mr. VINSON. I always got checks, I believe.

Senator GOLDWATER. Were the checks from the international?

Mr. VINSON. I don't recall getting a check.

Senator GOLDWATER. You said you always got it in checks and now you do not recall getting it?

Mr. VINSON. Let me explain. I don't recall getting a lost-time check when I went to Sheboygan and for the trial. I did get a check for expense money to go up there and when I left I believe they paid my hotel bill and everything and checked me out.

Senator GOLDWATER. The international?

Mr. VINSON. Yes, sir, the international did that.

Senator GOLDWATER. Then the checks you got while you were on trial were from the international?

Mr. VINSON. I didn't get any check from them while I was on trial, I don't believe, and I got a check before I went for expense money. And, to my knowledge, I didn't get a check for lost time while I was there.

Senator GOLDWATER. Then the checks you got after the trial, were they from the international?

Mr. VINSON. I never got any checks after the trial.

Senator GOLDWATER. The checks that your wife got, were they from the international?

Mr. VINSON. They were from the international.

Senator GOLDWATER. How many members would you say of the local attended the strike committee meetings?

Mr. VINSON. It would vary anywhere from 25 to 150.

Senator GOLDWATER. Could any member attend those strike committee meetings?

Mr. VINSON. Anybody that wanted to, as far as I know.

Senator GOLDWATER. You had no difficulty attending them?

Mr. VINSON. No, I had no difficulty.

Senator GOLDWATER. When you attended them, what would you do there? Would you just sit and not say anything?

Mr. VINSON. Well, I don't recall that I ever said anything to the strike committee themselves, and I might have made a suggestion to somebody sitting by me that something should be done.

Senator GOLDWATER. Let me ask you, is the international policy to pay lost time to members who are in jail?

Mr. VINSON. I wasn't paid anything for being in jail.

Senator GOLDWATER. No, I did not say you were paid for being in jail, but while you were in jail.

Mr. VINSON. I don't know of anybody that was paid while they were in jail.

Senator GOLDWATER. Is the international policy to reimburse people who have had the misfortune of being in jail?

Mr. VINSON. I don't know whether it is or not. I wasn't reimbursed.

Senator GOLDWATER. You never got a cent out of it?

Mr. VINSON. I never got a cent.

Senator GOLDWATER. But your wife was paid while you were away?

Mr. VINSON. That is right.

Senator KENNEDY. Mr. Vinson, you were the secretary-treasurer of the local at Briggs?

Mr. VINSON. No, I wasn't.

Senator KENNEDY. What were you?

Mr. VINSON. I was chief steward.

Senator KENNEDY. And Briggs manufactured, more or less, the same products as the Kohler Co.?

Mr. VINSON. They do.

Senator KENNEDY. They did?

Mr. VINSON. Yes, sir.

Senator KENNEDY. Now, you said to the committee that you were sent up at the request of the international or at the request of the local at Kohler?

Mr. VINSON. At the request of local 212.

Senator KENNEDY. Where was that?

Mr. VINSON. In Detroit.

Senator KENNEDY. You were sent up at the request of local 212 in Detroit?

Mr. VINSON. Yes.

Senator KENNEDY. What was the relationship between the local at Kohler, your local at Briggs, and local 212 at Detroit?

Mr. VINSON. Well, the only relationship that we have is the people in Kohler make similar products to ours.

Senator KENNEDY. Local 212 is the local that you are a member of?

Mr. VINSON. That is right.

Senator KENNEDY. Who told you in local 212 to go to Kohler?

Mr. VINSON. Well, I don't know offhand, Mr. Kennedy.

Senator KENNEDY. That is a substantial move on your part requiring at least 3 or 4 months away from your job and somebody must have told you what to do, and you must remember that, and made arrangements for you to be paid and compensated while you were up there.

Mr. VINSON. I don't recall just who sent me or who told us to go.

(At this point, the following members were present: Senators McClellan, Kennedy, Mundt, Curtis, and Goldwater.)

Senator KENNEDY. Did they tell you that the international wanted you to go, that Mr. Mazey wanted you to go?

Mr. VINSON. Mazey had nothing to do with it. The local officers called from Chicago and asked us to go, specifically.

Senator KENNEDY. The local officers from Chicago?

Mr. VINSON. My local, that were attending this meeting, the educational meeting in Chicago.

Senator KENNEDY. They asked you to come to Chicago or to go to Kohler?

Mr. VINSON. To go to Sheboygan.

Senator KENNEDY. To go to Sheboygan?

Mr. VINSON. That is right.

Senator KENNEDY. They were attending a meeting in Chicago, and they asked you to go to Sheboygan and stay there for a while?

Mr. VINSON. That is right.

Senator KENNEDY. They would do what about your money?

Mr. VINSON. Well, at the time, whoever it was, I don't recall who it was, advanced us, I believe $50 apiece.

Senator KENNEDY. How many of you?

Mr. VINSON. Four.

Senator KENNEDY. From this local?

Mr. VINSON. That is right. To go up——

Senator KENNEDY. What were your instructions?

Mr. VINSON. We had no instructions other than that there would be a meeting on a Sunday night.

Senator KENNEDY. Did you go to the meeting?

Mr. VINSON. I did.

Senator KENNEDY. Then you were supposed to stay there until you received instructions to come home?

Mr. VINSON. That is right.

Senator KENNEDY. And those instructions did not come until later and then you got in trouble, is that correct?

Mr. VINSON. Well, we were back and forth to Detroit on different occasions.

Senator KENNEDY. After you went back, who would tell you to come back to Detroit and who would tell you to go back to Sheboygan?

Mr. VINSON. Nobody would really tell us to go or come.

Senator KENNEDY. It is difficult to believe that an operation would be that casual. Here is a strike where the union is very deeply involved, spending large sums of money. You were sent up there for some purpose. You don't seem to know what the purpose was. You were sent back to Detroit and then sent back to Sheboygan.

Mr. VINSON. I was never brought back to Detroit. I went back to Detroit on my own.

Senator KENNEDY. Who would tell you to go back to Sheboygan?

Mr. VINSON. Nobody.

Senator KENNEDY. Did you go back on your own?

Mr. VINSON. That is right.

Senator KENNEDY. Who would compensate you?

Mr. VINSON. The local union.

Senator KENNEDY. You were free to come and go as you chose?

Mr. VINSON. That is right.

Senator KENNEDY. That seems to me to be a regrettable way to run a strike or run anything. It seems to me that the international should give you a specific assignment.

The international has the right to send people up to a strike where a local of it is engaged, but it seems to me that those who they send should have specific duties, their compensations should be set, they should have somebody to report to at the strike, and the duties should be assigned to them certainly of a peaceful nature, and that they should be in a responsible position.

It seems to me that your assignment fulfilled none of those conditions.

Mr. VINSON. May I add this: The executive board of my local union had a meeting sometime or another, I don't know whether it was before or after we went, and they were the people that set up as to who was going to pay us and how much money we was going to get. We were never told any specific duty. We were to assist in the picket line.

Senator KENNEDY. But you must have been under somebody's instructions, either from Detroit, Chicago, Kohler, or Sheboygan.

Mr. VINSON. Well, I am sorry to say to my knowledge we wasn't.

Senator KENNEDY. I think that that is what is unfortunate, because I think trouble is inevitable if you are permitted to wander around with no specific duties and under no specific control, and free to go to Detroit or back to Sheboygan when you will.

Mr. VINSON. Well, you know, anybody is subject to go home to their wife and family once in a while. That is the only time I went to Detroit, to see my wife and family. As far as wandering around, you know, I am a pretty good-sized man. I can find my way around. I wasn't wandering. I knew what I was doing.

Senator KENNEDY. What were you doing?

Mr. VINSON. Anything in general that I felt was necessary to help out in the strike.

Senator KENNEDY. I would think that is how you or the other people would get in difficulty, by not having a more specific assignment. It seems to me that your whole arrangement and the arrangement of those on a similar basis was not a satisfactory one at all from the point of view of your union and the public interest. Of course, eventually trouble resulted in your case. Because you were an outsider, I think that is probably one of the reasons why you were given the stiff sentence you were given.

I think Mr. Mazey probably will be able to answer some of these questions, but I think it is not a satisfactory way for the union to meet its responsibilities in this case, with your particular experience in mind.

That is all, Mr. Chairman.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. I think that we have a very vital point raised here that goes to our legislative functions. I refer to the pattern of violence. It may be that in subsequent hearings involving the UAW in the Perfect Circle strike and other strikes that we will hear, that a similar pattern of conducting a strike and of violence will be shown.

I think it is important that we know how it operates and how it is planned. This witness says that he came down from the Briggs

local, more or less on his own, no one instructed him, no one gave him any instructions down there. I just believe that in discharging our responsibilities here, and investigating violence, particularly where there is interstate traffic of these goons—this man is guilty of one of the most inhuman attacks that you can imagine—I think it will be important that the files of the Briggs local and other locals be investigated as to communications, and that their officers be placed under oath, as well as the international officers and representatives, and should be inquired of about this.

If it develops that this witness is telling the truth, that he was just acting on his own and there was no direction, it ought to be established. If, on the other hand, a concealment is being made, and this committee is being deceived for the purpose of protecting the authorities in the UAW, that ought to be established.

I think that that should be pursued.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Gentlemen, in this committee any time members of the committee desire witnesses, the Chair will issue subpenas for them.

Most of these matters would be better discussed in executive session. But if any member of the committee now has in mind anyone that they would like to have a subpena issued for, the Chair will issue it now.

Senator CURTIS. Mr. Chairman, I do not have a specific request now. I agree with you that the details of this should be discussed in executive session.

But I wanted the record to show my position on this with regard to the testimony of Mr. Vinson.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. I think both Senator Kennedy and Senator Curtis are discussing an exceedingly significant point in this whole affair. I was a little bit surprised at the vaguery of the answers that the witness also gave to Senator Kennedy. I share with him a sense of disbelief that this thing can be quite that casual. It doesn't seem to me that you are just going to be sent to Milwaukee, to Sheboygan, or wherever the trouble was—Sheboygan—and say, "You are on your own to advance the interests of the strikers."

Are you positive you can't remember who told you to go to Sheboygan?

Mr. VINSON. I am under oath here, and I am telling you the truth, in case you guys doubt me in any way.

Senator MUNDT. You are under oath. I will agree with you that far anyhow.

Mr. VINSON. I have been called everything else. I might as well be called a liar, too.

Senator MUNDT. I am not calling you a liar. I said I have a sense of disbelief. Let's see if you can't shed any more light on it. If you don't know who sent you there, do you know why you were sent there?

Do you remember what the fellow told you to do who sent you there?

Mr. VINSON. The fellow didn't tell me to do anything, as far as I know, when I got there.

Senator MUNDT. Is it your idea that you volunteered for this assignment?

Mr. VINSON. I volunteered for many assignments.

Senator MUNDT. I am talking about this one. Did you go to somebody in your local and say "Send me to Sheboygan"?

Mr. VINSON. Somebody called my wife at home. I was home that day. I wasn't working in the shop. They called my wife and asked me to come to the local office, to the local hall. I went to the local hall, and from there I went to Sheboygan.

Senator MUNDT. You can't remember who was in the local hall that day?

Mr. VINSON. No, sir; I don't remember who was there, because there was no local officers at the hall. The call had been received from Chicago. I don't know who was acting as a local officer that day.

Senator MUNDT. Do you mean the man that called you was not a local officer, so you wouldn't necessarily know his name?

Mr. VINSON. I beg your pardon?

Senator MUNDT. The man who called you down to the hall was not a local officer, so you would not necessarily remember his name; is that what you said?

Mr. VINSON. Well, I am sure it wasn't a local officer that called me down to the hall.

Senator MUNDT. So apparently it was not the local who sent you there, but it was somebody else who sent you?

Mr. VINSON. Somebody from my local union, from 212, called whoever happened to be at the local that day, and asked them to send us up there. I don't know who it was specifically.

Senator MUNDT. Were you chosen because you had experience in this kind of work before?

Mr. VINSON. I presume I was.

Senator MUNDT. What was your previous experience?

Mr. VINSON. Well, I helped to organize Michigan Stove, another sweatshop we have around the country. We still have a few. And we had a strike one time at Briggs. The plant-protection people were on strike. We honored their picket lines. We didn't cross it. I walked the picket line with those officers who were on strike, on my own. I don't know, but I believe I was down to Square D when they had their strike. I believe I walked the picket line there.

Senator MUNDT. Did you ever get into any physical controversies in any of these other experiences you had?

Mr. VINSON. No, sir; I never did. I was never picked on like I was when I was in Wisconsin.

Senator MUNDT. Did this little fellow pick on you whose ribs you broke?

Mr. VINSON. Let me say this: A lot of times people have hollered at me about this fellow being a little fellow. You can't go by size. I was riding a mule one time and a bee bit him, and the mule run away and almost killed me. So you can't go by size as to how much a man is, or to how much he can carry.

Senator MUNDT. After having seen you both, I would rather be in your size than his size, in the kind of fight you were engaged in.

Mr. VINSON. That is if you were doing something down low, but if it was up high I would get the job.

Senator MUNDT. Apparently you did the job.

I was out of the room for a little while, but I heard Senator Kennedy say that probably because you were an outsider you got this very stiff sentence, and I heard Senator Kennedy say it was an inhuman attack. How stiff a sentence did you get for this inhuman attack?

Mr. VINSON. Well, if that is what you want to call it, I got 2 years.

Senator MUNDT. Two years?

Mr. VINSON. Not less than 1 and not more than 2.

(At this point, Senator Kennedy withdrew from the hearing room.)

Senator MUNDT. That isn't a very stiff sentence in my opinion.

Mr. VINSON. Well, let me say this, the stiffest they could have gave me was 3 years, and I got the stiffest sentence that was ever handed down in Sheboygan County for the same charge. There was an incident where a guy got killed in a bar in a brawl, and he got 6 months out of it.

I believe he ended up paying a $500 fine.

Senator MUNDT. I can think of a fellow—I better not get in trouble with your counsel—who died as a result of an attack in this same strike, and the man who attacked him got no sentence; got no conviction. He is hiding out in Michigan somewhere.

Mr. VINSON. Well, I am not aware of that.

Senator MUNDT. You might have been kind of unlucky by comparison with him.

I will grant that.

Let me ask you this, Mr. Vinson: Were you ever reprimanded by the union for what you did in Sheboygan?

Mr. VINSON. Well, I have been bawled out quite a few times.

Senator MUNDT. That doesn't answer the question.

Mr. VINSON. What would you——

Senator MUNDT. I will ask the reporter to read the question. It has no relationship to the answer.

(At this point, the reporter read the pending question.)

Mr. VINSON. The only reprimand I ever got out of it was I got a good still bawling out.

Senator MUNDT. From whom?

Mr. VINSON. From just about everybody in the international and the local.

Senator MUNDT. Can you name any of them or have you forgotten them?

Mr. VINSON. No; I haven't forgotten them. Emil Mazey, Jess Ferrazza, Don Rand, Bob Burkhart, all of my local officers. Of course, I got big shoulders. I can take it, I guess.

Senator MUNDT. All right. That is all.

Senator CURTIS. Mr. Vinson, were you arrested any other time during the course of your stay in Wisconsin?

Mr. VINSON. I beg your pardon?

Senator CURTIS. Were you arrested any other time?

Mr. VINSON. I was arrested about four times, I believe.

Senator CURTIS. You were arrested once at the same time Joe Burns was arrested; weren't you?

Mr. VINSON. Yes, sir. They made a mistake that morning. They thought they had Jess Ferrazza, and when we got in the car they discovered they had Joe Burns. They had the wrong man but they took him in anyway.

Senator CURTIS. What were you arrested that time for?

Mr. VINSON. Well, I believe there is a picture there that you showed me. I believe I was arrested that same morning, and I was standing in about the same place, talking, and Officer Capelle and somebody walked up and walked right into me. I didn't move, and I got arrested for disturbing the peace or something. I don't remember what it was.

Senator CURTIS. How was the case disposed of?

Mr. VINSON. I believe I got a $25 fine out of it. I never appeared on it. I believe I was in Wisconsin State Prison when it was disposed of.

Senator CURTIS. Who paid the fine?

Mr. VINSON. I presume the local, or the union did.

Senator CURTIS. The international?

Mr. VINSON. I presume they did.

Senator CURTIS. What lawyer looked after it?

Mr. VINSON. Mr. Rabinowitz.

Senator CURTIS. Who paid him?

Mr. VINSON. I presume the international.

Senator CURTIS. Did you get arrested any other time in Wisconsin?

Mr. VINSON. Well, on this charge that I went to prison for, I got arrested twice for that. The first time was for disorderly conduct. No, pardon me. It was for assault and battery, and after this man took pneumonia and went to the hospital, the company, evidently, persuaded the district attorney to change the charge to assault with intent to do great bodily harm.

Senator CURTIS. I am asking about other offenses. Did you get arrested in connection with interference with the work in the justice court in Plymouth, Wis.?

Mr. VINSON. What was that for, please?

Senator CURTIS. Disorderly conduct.

Mr. VINSON. I believe that was the one we were just talking about.

Senator CURTIS. That was at Plymouth?

Mr. VINSON. No. That was the justice of the peace I went before, I believe, it would have been in Plymouth.

Senator CURTIS. But in all of these clashes with the law, the same attorney represented you?

Mr. VINSON. I believe so, yes.

Senator CURTIS. And you didn't pay?

Mr. VINSON. No, I didn't.

Senator CURTIS. The UAW paid?

Mr. VINSON. I presume they did.

Senator CURTIS. And you didn't pay any of the fines or any of the court costs?

Mr. VINSON. No.

Senator CURTIS. If they were paid, they were paid by the UAW?

Mr. VINSON. That is right.

Senator MUNDT. While Senator Curtis is looking at his notes, may I inquire: Since you are unable to remember who sent you to Sheboygan or why you were sent, can you remember who told you that your job was finished, to come back home to Briggs?

Mr. VINSON. No one.

Senator MUNDT. You just made up your own mind you had enough?

Mr. VINSON. That is right. I came home and went to local office and had my leave of absence canceled and I went back to work.

Senator MUNDT. So you were free to determine how long a stay you were going to have in Sheboygan, although you apparently were not free to determine whether you went to Sheboygan or not, is that it?

Mr. VINSON. May I say while we were up there, we were losing money as far as wages were concerned, and you can only go so long and then you go back to where you make better wages. I make more in the shop than I would working for the international.

Senator MUNDT. That would seem to me to be an affirmative reply to my question, if the counsel agrees with me. Otherwise, I will ask it over again.

Mr. RAUH. I think that was an affirmative reply.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

(At this point, Senator Ervin entered the hearing room.)

Senator CURTIS. Did you see this woman who held herself out as Mrs. Robert Burkhart in the tavern that night?

Mr. VINSON. I think I did, yes.

Senator CURTIS. You knew her?

Mr. VINSON. Yes, I knew her.

Senator CURTIS. And you know Mr. Burkhart?

Mr. VINSON. Yes, I know him.

Senator CURTIS. You have known him for some time?

Mr. VINSON. Well, I knew him since the strike started.

Senator CURTIS. Did you see her prior to your assault upon Mr. Van Ouwerkerk?

Mr. VINSON. She was bowling on the alley next to me for a while.

Senator CURTIS. Did you have any conversation with her?

Mr. VINSON. No, I didn't.

Senator CURTIS. Did she say anything to you?

Mr. VINSON. No.

Senator CURTIS. Did you see her talk to Mr. Van Ouwerkerk?

Mr. VINSON. No, I didn't.

Senator CURTIS. How did you know whether or not Mr. Van Ouwerkerk was a striker or a nonstriker?

Mr. VINSON. I didn't know.

(The witness conferred with his counsel.)

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Mr. Chairman, this witness during the course of his testimony answering questions, has admitted that the international paid his lawyer, the international paid his wife, the international made arrangements for the sound truck, and paid his fines. I think there is a very definite connection established here between Mr. Vinson and the international, and I am hopeful that we can go further into this relationship.

The CHAIRMAN. There is no disposition on the part of the Chair not to pursue it.

Are there any other questions?

Mr. KENNEDY. Have you had any other convictions, Mr. Vinson?
Mr. VINSON. Other than what I got in Wisconsin?
Mr. KENNEDY. Yes.
Mr. VINSON. No. I was never arrested before.
The CHAIRMAN. Are there any further questions?
The Chair would like to ask you a question or two. If I understood your testimony correctly, you came into the bar from the men's room and heard someone say, and I think I am quoting you exactly, "There are too many union people in here, let's get out."
Mr. VINSON. Yes, sir.
The CHAIRMAN. That is the only remark you heard?
Mr. VINSON. Yes, sir.
The CHAIRMAN. Did anyone point out Mr. Vinson to you?
Mr. VINSON. I am Mr. Vinson.
The CHAIRMAN. I beg your pardon. Mr. Van Ouwerkerk?
Mr. VINSON. No, sir; they didn't.
The CHAIRMAN. Mrs. Burkhart didn't point him out?
Mr. VINSON. No, sir. I didn't even know who the man was until we went to court.
The CHAIRMAN. Did you have any conversation with Mrs. Burkhart before you assaulted him?
Mr. VINSON. No.
The CHAIRMAN. Did she have any conversations with you?
Mr. VINSON. No.
The CHAIRMAN. She said nothing to you?
Mr. VINSON. Not that I know. She might have spoken to me when we went into the bowling alley.
The CHAIRMAN. Was she in there before you left the bar or whatever it was to go into the men's room? Had you seen her there before?
Mr. VINSON. She was bowling on the alley next to me in the early part of the night.
The CHAIRMAN. In the earlier part of the night?
Mr. VINSON. That is right.
The CHAIRMAN. You had seen her, then?
Mr. VINSON. That is right.
The CHAIRMAN. You had seen her, then?
Mr. VINSON. That is right.
The CHAIRMAN. You had seen her then?
Mr. VINSON. That is right.
The CHAIRMAN. You knew who she was?
Mr. VINSON. I knew who she was.
The CHAIRMAN. You were acquainted with her?
Mr. VINSON. That is right.
The CHAIRMAN. You are telling us under oath that you heard the remark "There are too many union people in here, let's get out"?
Mr. VINSON. That is right.
The CHAIRMAN. Who was he talking about or to?
Mr. VINSON. He was talking to a red-haired woman, and it turned out to be his wife.
The CHAIRMAN. He simply said to his wife, "There are too many union people in here, let's get out." And you don't know what happened before?
Mr. VINSON. No, I don't.

The CHAIRMAN. You simply took it upon yourself on the basis of him making that remark to assault the little fellow?

Mr. VINSON. That is right.

The CHAIRMAN. Was that what you were sent out there for?

Mr. VINSON. No, sir.

The CHAIRMAN. Do you regard that as proper behavior?

Mr. VINSON. No, sir. I paid my penalty for that crime.

The CHAIRMAN. Yes, I understand you paid a penalty for it. I just can't conceive of people being assaulted. Here apparently a man had been in there, from the testimony, with his wife, and was molesting no one, but he had been accosted about his not belonging to a union. I don't know how much embarrassment it was about to cause, or whether he thought there might be trouble if he stayed, so he simply said to his wife, "Come on, let's get out of here, there are too many union people here." I don't think that warrants or justifies any, in any sense, the kind of assault that you made upon him. I don't think it is even provocative.

From the viewpoint as I see it, it was the language of a man wanting to preserve piece, he wanted to get away, and cause no trouble.

He simply said to his wife, "Come on, let's get out of here, there are too many union people here."

I would think you would feel you were wholly unjustified in assaulting the man for no further provocation—and I don't see any provocation in it—than what you have testified to here.

Mr. VINSON. I feel the same way you say, and I have paid my penalty for that crime.

The CHAIRMAN. I understand.

Are there any other questions?

Senator Goldwater.

Senator GOLDWATER. Mr. Vinson, to clear up one more point, some time ago I asked you if there were other members of local 212 who went to Sheboygan, and I think you said that there were five.

Mr. VINSON. Four or five, there were five people there with 212. Four went with me.

Senator GOLDWATER. Can you give me their names?

Mr. VINSON. John Gunaca, James Conner, Boyce Land, and myself went at the time I did, and Jim Fiore was already there. He is a member of 212.

Senator GOLDWATER. Do you remember when you got there?

Mr. VINSON. Yes, sir.

Senator GOLDWATER. When did you get there?

Mr. VINSON. I got there April 9. It was on a Sunday.

Senator GOLDWATER. Were you the first one there from local 212?

Mr. VINSON. No. Jimmie Fiore was there.

Senator GOLDWATER. When did he get there?

Mr. VINSON. He got there quite some time before the strike ever started.

Senator GOLDWATER. Would you say 2 weeks?

Mr. VINSON. I have no idea.

Senator GOLDWATER. Quite some time? Would it be a month?

Mr. VINSON. It could very easily be a month. Around that.

Senator GOLDWATER. Did you know these other men very well that went from 212?

Mr. VINSON. Yes, sir, I knew them all real well.

Senator GOLDWATER. You had been a member of 212 for how long?

Mr. VINSON. Since July 1948.

Senator GOLDWATER. Since July 1948?

Mr. VINSON. Yes, sir.

Senator GOLDWATER. That would have been about 6 years? How long had Mr. Gunaca been a member of 212?

Mr. VINSON. Mr. Gunaca had been a member of 212 so far as I know ever since I have been a member of 212.

Senator GOLDWATER. And Mr. Conner?

Mr. VINSON. I believe he has been a member of 212 something like 20 years.

Senator GOLDWATER. And Mr. Land.

Mr. VINSON. Mr. Land has been a member of 212—I believe in 1942 before he went into service he was a member of 212 and he came back after service.

Senator GOLDWATER. And Mr. Fiore?

Mr. VINSON. I believe Mr. Fiore is one of the original members of local 212, from when they organized.

Senator GOLDWATER. Where did Mr. Gunaca work?

Mr. VINSON. I don't know.

Senator GOLDWATER. Was he working in Briggs?

Mr. VINSON. I don't know whether he was working at the time or not. At the time we had 7 or 8 plants. I don't know whether he was working or not.

Senator GOLDWATER. Do you know if he was tending bar someplace?

Mr. VINSON. He tended bar, but I don't know whether he was working in a plant and tending bar part time or not.

Senator GOLDWATER. Now, Mr. Vinson, was Emil Mazey ever a member of 212?

Mr. VINSON. He was.

Senator GOLDWATER. What was his position with 212?

Mr. VINSON. Since I have been in 212 he never really had a position in 212.

Senator GOLDWATER. Did he ever hold office in 212?

Mr. VINSON. He has held office in 212.

Senator GOLDWATER. What offices?

Mr. VINSON. Well, I would imagine he has held just about all of them. When he was about 23 years old he was president of the local, the largest local in the country.

Senator GOLDWATER. And did Mr. Mazey call all of you people over from 212?

Mr. VINSON. I never talked to Mr. Mazey one time with regards to this strike.

Senator GOLDWATER. Was Mr. Mazey ever connected with any other locals that you know of?

Mr. VINSON. Not that I know of.

Senator GOLDWATER. Just this one?

Mr. VINSON. Well, right now he is connected with all locals.

Senator GOLDWATER. He is an officer of the international?

Mr. VINSON. That is right.

Senator GOLDWATER. And as an international officer, he was at the strike?

Mr. VINSON. Well, I never seen him out to picket, to the picket line myself. I saw him in Sheboygan.

Senator GOLDWATER. That is all, Mr. Chairman.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. You mentioned, I think, 4 or 5 men from 212 who were at Sheboygan the same time you were.

Mr. VINSON. Yes, sir.

Senator MUNDT. Having those names in mind, were any of those men also with you on any of these other strike assignments that you mentioned, the Square D and some radiator company or stove company?

Mr. VINSON. Well, at Square D, practically my whole local, the afternoon shift would go and help out, walk the picket line with them. Then when the afternoon shift went in to work, the day shift would go over. Evidently they were in the group.

Senator MUNDT. That was Square D. How about the other ones?

Mr. VINSON. They were around at the time we were organizing Michigan Stove.

Senator MUNDT. This same group was with you at these other places where you said?

Mr. VINSON. We wasn't a group. We were picked individually.

Senator MUNDT. I don't mean a group. The same men, I will put it that way, the same men that were with you on these other strike assignments that you had?

Mr. VINSON. I don't recall them being specifically with me.

Senator MUNDT. All right. Let's not quibble about the term. The same men were also at these other strike situations where you were?

Mr. VINSON. I presume they was.

Senator MUNDT. All right. That is what I was trying to find out. On what day do you recall that this attack took place on the man that was married to the redhaired woman?

Mr. VINSON. I don't recall the exact day of it. I don't recall.

Senator MUNDT. How long after that attack before you discontinued your services at Sheboygan and went back to your job at Briggs at better pay?

Mr. VINSON. Just a minute, please. Could I check on that?

Senator MUNDT. Surely.

(The witness conferred with his counsel.)

Mr. VINSON. It was on June 18, that the attack happened, and I went back to Detroit in July.

Senator MUNDT. Can you give us something more specific than July?

Mr. VINSON. I believe it was around the 7th or 8th of July. I am not sure.

Senator MUNDT. Between June 18 and July 7th, you were not in prison, were you? You had been indicted or arrested and I suppose were out on bail, is that it?

Mr. VINSON. That is right.

Senator MUNDT. During the period that you were out on bail from June 18 to July 7, you continued to work in conjunction with these other men on the strike situation at Kohler, is that right?

Mr. VINSON. Yes, sir.

Senator MUNDT. The reason I asked that question is I was a little curious. I asked you if you had ever been reprimanded by the union, and you said yes, by about everybody, that Burkhart reprimanded you, Mazey reprimanded you, but apparently nobody thought it was serious enough to take you off of your assignment and send you back to Detroit?

Mr. VINSON. Well, nobody ever took me off to begin with.

Senator MUNDT. So any manifestation of displeasure over the beating that you gave the man with the redheaded wife was strictly verbal, it was not in terms of saying, "Well, we don't want rough stuff around here, Mr. Vinson, you better go back to Briggs." Nobody ever took you off of the job because of your attack on this little fellow, is that right?

Mr. VINSON. Nobody ever took me off the job.

Senator MUNDT. That is what I wanted to know.

The CHAIRMAN. Is there anything further?

If not, the witness is excused for the present.

The committee will stand in recess until 2 o'clock this afternoon.

(At this point, the following members were present: Senators McClellan, Goldwater, Mundt, Curtis, and Ervin.)

(Whereupon, at 12 o'clock, a recess was taken until 2 p. m. of the same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will come to order.

(Members of the committee present at the convening of the session were: Senators McClellan, Kennedy, and Curtis.)

Mr. KENNEDY. Mr. Chairman, we have a radio broadcast that we wish to play at this time. There are certain excerpts in which the committee would be interested, but the union would like the whole transcript played.

The CHAIRMAN. Is there any question about the validity of this broadcast?

If not, we will proceed and have it played without placing anybody under oath about it.

There is no question about its authenticity?

Mr. KENNEDY. We have a witness who can introduce it.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MCGOVERN. I do.

TESTIMONY OF JOHN J. McGOVERN

The CHAIRMAN. State your name, and your place of residence, and your business or occupation?

Mr. MCGOVERN. John J. McGovern, 12923 Moray Road, Silver Spring, Md., and I am assistant counsel to this committee, sir.

The CHAIRMAN. Thank you very much, Mr. McGovern. Did you procure this transcript of the broadcasts that we have under consideration?

Mr. MCGOVERN. I did not, sir, but Mr. Johnson, who was under my direction, did procure it from station WHBL in Sheboygan, Wis.

The CHAIRMAN. It was procured from the station?

Mr. McGovern. That is correct, sir.
The Chairman. As a transcript of the broadcast?
Mr. McGovern. That is correct, sir.
The Chairman. Made on that station on November 21, 1954?
Mr. McGovern. That is right, sir.
The Chairman. Thank you very much.
All right, it may be played.
Mr. Kennedy. The transcript is 26 pages.
The Chairman. The transcript will also be made exhibit 45 for reference only, and we may play the record so that we may hear it.
(Document referred to was marked "Exhibit No. 45" for reference and may be found in the files of the select committee.)
(At this point the transcription referred to was then played.)
(At this point, the following members were present: Senators McClellan, McNamara, Ervin, Kennedy, Mundt, Curtis, and Goldwater.)
The Chairman. So that there will be no misunderstanding, the Chair has ordered that this transcript be made an exhibit and not printed in the record. It is voluminous, and in my judgment a great deal of it is certainly immaterial to the real issue.
But it will be kept as a permanent exhibit so that anyone desiring to refresh their memory may have the opportunity to do so.
All right, Mr. Counsel, call your next witness.
Mr. Kennedy. Mr. Emil Mazey.
The Chairman. Mr. Mazey, come forward.
You will be sworn. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?
Mr. Mazey. I do.

TESTIMONY OF EMIL MAZEY, ACCOMPANIED BY JOSEPH L. RAU., JR., COUNSEL

The Chairman. State your name, your place of residence, and your business or occupation.
Mr. Mazey. Mr. Chairman, and members of the committee, my name is Emil Mazey. I am secretary-treasurer of the International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, UAW. I live at 1173 Kensington, in Grosse Point Park, Mich.
The Chairman. You have counsel?
Mr. Mazey. Yes, I do, sir.
The Chairman. Let the record show Mr. Rauh appears as counsel for the witness.
Mr. Kennedy, you may proceed.
Senator McNamara. Mr. Chairman, before you start——
The Chairman. Senator McNamara.
Senator McNamara. Mr. Chairman, on Tuesday, during the testimony of Robert Burkhart, there was an argument between a member of the committee and Mr. Rauh over whether a certain death was murder. The committee member alleged that it was a murder. During the course of the hearing, there was offered in evidence an editorial from the Detroit Free Press of February 28. This editorial referred to the fatal beating of a Kohler worker during the strike.

The discussion on the editorial and the editorial itself are in the transcript, beginning on page 840.

Since the editorial from a newspaper in my State has been made part of this record, in alleged support of another member's views, I think it only fair that a subsequent editorial from the same paper also be placed in the record. This editorial, Mr. Chairman, appears in the Detroit Free Press this morning. It gives its views on certain events in this committee, including the statement that was made Tuesday.

Mr. Chairman, I would like to have inserted in the record at this point——

The CHAIRMAN. Are there copies available to present to other witnesses?

Senator MCNAMARA. I only have one.

The CHAIRMAN. The Chair makes this observation: I find on page 842 of the record the Chair did permit the editorial to be placed in the record at the request of Senator Mundt. I doubt, frankly, the wisdom of placing these editorials in the record. They are not actually sworn testimony. But I yielded to the wishes of Senator Mundt the other day and put that one in. I think it is only proper for them to be put in the record. They are not sworn testimony. But the only purpose for which they could be put into the record is more in the nature of a question or the basis for a question.

I may say this: I am confident there will be many editorials published by papers, some taking one point of view and some another, some criticizing one member of this committee and some criticizing other members of the committee. I have no objection to any criticism of me going into the record if anybody wants it in there.

But, gentlemen, you should try to make up your minds whether you are going to follow this practice of putting controversial editorials or editorials that express the opinion and views, divergent views, and give different opinions of different editorial writers in ths record.

Senator MCNAMARA. Mr. Chairman, in support of my request, this deals with the same subject that was discussed here on last Tuesday and, in effect, it is an answer to part of the record that we have made on it. That is the reason for my request.

The CHAIRMAN. The Chair can appreciate that is true. But, gentlemen——

Senator MUNDT. Mr. Chairman, I have read the editorial. There is certainly nothing in there to which I object. Since I put it in, the other editorial in, I think we should put it in balance and then in the future make a ruling as to the subject.

The CHAIRMAN. Without objection, the editorial will be placed in the record. But let the Chair say again, gentlemen, we can clutter up this record with a lot of expert and nonexpert opinions of different editorial writers, and wind up with more noise than proof.

So let's be guarded about it. Unless there is something absolutely pertinent, let us not be placing it into the record. I suggest that for the propriety of this record. It is going to be lengthy anyhow. Let's try to observe that in the future.

Senator MUNDT. I think, Mr. Chairman, that the Senator from Michigan is quite within his rights. I used the editorial as part of a definition in connection with the use of the word "murder." It is an interesting problem in semantics, whether a man who has suffered

a fatal beating has been murdered or simply died of halitosis. I don't know. But it seems to me there is a similarity between the relationship of a fatal beating and a murder.

If this editorial presents the other viewpoint, I think it should be in.

Senator ERVIN. Mr. Chairman, I would like to have the record show that I adopt entirely the remarks made by the chairman with respect to the insertion of editorials in the record which is supposed to be made up of testimony.

The CHAIRMAN. The Chair is going to take this position from now on. This one is going into the record. But hereafter, when an editorial is presented, if the Chair feels that it has no place in this record, I am going to rule against placing it into the record, and the committee will have to overrule the Chair. That will be my rule from now on.

Senator MCNAMARA. Mr. Chairman, I will be on your side. I would just as soon have the whole thing expunged from the record.

The CHAIRMAN. We will let this stand, and we will be careful from now on.

Senator ERVIN. Also, Mr. Chairman, I would like to say this, that I would like to have the question of whether anybody has suffered a fatal beating established or disproved by evidence rather than by the statements of newspaper editors who probably don't know any more about it than I do.

The CHAIRMAN. We are going to proceed with the proof. The Chair may state for the benefit of all that we are trying to have before this committee witnesses who will be able to give us the information with respect to the assault, or alleged assault, from which some 15 or 16 months later the person assaulted died. But we are going to move as fast as we can, though I cannot get everything into this record in 1 day's time.

(The editorial is as follows:)

[From the Detroit Free Press, March 6, 1958]

SENATORIAL DEMONSTRATION HOW TO HURT A GOOD NAME

Under Senator John McClellan's chairmanship the Senate Rackets Committee has gained high public confidence. Unlike some other Senate investigating committees the country has watched perform, it has a good name.

That good name is in considerable peril unless the chairman can gavel down a show of venom that has no place in congressional hearings of any kind.

As an example of what has been happening since the committee turned to the UAW strike against the Kohler Co., Senator Goldwater (Republican, Arizona) finds "a strange coincidence" in the fact that violence is a tool of communism and also a feature of the strike at Kohler.

Violence also marked the Boston Tea Party and the New York draft riots of Civil War days. We can even recall a Michigan Republican Convention at which dignitaries were shoved off the platform and some statesman got a broken arm.

Blame for Kohler strike violence should by all means be established but the hunt for truth is only hindered by such claptrap.

Then there was the try by Senator Curtis (Republican, Nebraska) at making the marital status of a UAW witness appear disreputable. He made out that the state of his virtue in this respect had something to do with his credibility under oath.

Senator Mundt (Republican, South Dakota) made his contribution by imputing murder guilt to a Michigan UAW man wanted by Wisconsin authorities, as the Free Press recently expressed it editorially, "in connection with the fatal beating of a Kohler worker during the strike."

There is a wide span of difference between being guilty of murder or anything else and being sought "in connection" with some crimes. The latter merely means that prosecution authority or a court wants to hear what you have got to say about somebody's criminal act.

It doesn't necessarily mean that it was your personal act, or even that it will turn out you have pertinent knowledge of it. Ordinary literacy should be able to discern the difference, but Senator Mundt professed inability in that respect and used our remark as a basis for his diatribe.

Incidentally, in this particular case that of John Gunaca, we failed to understand why Governor Williams refuses Wisconsin's request for extradition.

But that's apart from whether Gunaca should be subject to arrest for Wisconsin during his trip outside Michigan boundaries to testify before the Senate. It seems to us that his privilege of white-flag passage to Washington in answer to a Senate subpena never should have been questioned. After all, the primary consideration was not to trap Gunaca but to give the committee the benefit of his testimony.

Threats to Gunaca seems to us to be also threats to the committee's freedom to find out all it wants to know—unless it is to subject itself to unnecessary expense and inconvenience.

We're by no means ready to give the UAW a clean bill of health in the Kohler strike. Neither are we any more prepared to give one to the Kohler management. It's a complicated and acrimonious issue.

Our interest is in having the hearings conducted in a way that will enable the public to say, when the findings are in, that it was a fair and impartial process carried on in a judicial atmosphere, and that therefore while the results might not be absolutely binding they may be accepted as reliably guiding.

In its investigating and exposing the Senate Rackets Committee has done a national service of immense importance. There is work still to be done and great need for its doing. It would be a shame and a tragedy for a committee that has done so well, and on which so much rests, to sacrifice its effectiveness now.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. I ask unanimous consent that I be recognized for about a minute and a half in reference to a statement made this morning.

The CHAIRMAN. Without objection, Senator Curtis.

Senator CURTIS. Mr. Chairman, it has come to my attention that the Senator from Michigan, Mr. McNamara, has made a public demand since yesterday's hearing, that an investigation be made of the Kohler Co. so-called spying activities as a possible violation of the Taft-Hartley law. If the Senator from Michigan had been present, or if being present had been attentive to the proceedings, he would have been aware that I raised this question with the lawyer who represented the union in the NLRB proceedings.

He conceded that the trial examiner in that proceeding made no finding of unlawful espionage activity of any kind by the company, and it is my belief that the case now pending before the Board contains no challenge on the part of the union to the examiner's failure to so find.

This means that when the NLRB eventually hands down its final decision, that there will be no ruling against the company on espionage or surveillance. I would like to call to the attention of this committee, as well as to the attention of the Senator from Michigan, that these hearings before the NLRB trial examiner lasted for approximately 2 years, and involved about 20,000 pages of testimony.

Few more exhaustive proceedings have ever been held in an NLRB case. I, of course, would be perfectly agreeable to any investigation of this charge of so-called spying. But I wish the record to show, as I had attempted to make it show yesterday, that there is no evidence of illegal spying in this case.

Senator McNamara. Mr. Chairman?

The Chairman. Senator McNamara will be recognized for 1 minute.

Senator Ervin. A minute and a half, Mr. Chairman.

The Chairman. All right. A minute and a half. I did not try to cut him out of a half minute.

Senator McNamara. Mr. Chairman, I do not think it will take too long. I would like to see the document, or what is in the record, because I do not know what he is talking about.

The Chairman. I suggest, then, that each of you read the record and get an understanding so that we can proceed.

Senator Ervin. Mr. Chairman, if Senator McNamara will pardon me, I move that we strike from the record his unmathematical language.

The Chairman. Gentlemen, we are not going to waste a lot of time with this. You want to get your language in the record, be careful of what you say. This thing is on television and on the air, radio, and whatever you say, I don't care how you withdraw it, but it is still out there on the air.

People are listening to it. Let us proceed.

Mr. Rauh. Mr. Chairman?

The Chairman. The Chair will recognize you. Do you wish to address the Chair?

All right.

Mr. Rauh. Mr. Chairman, the reason why the examiner didn't make a finding of illegal——

The Chairman. I do not want you to argue that any more. Let's go on with the hearing, please.

Gentlemen, I want to keep this hearing moving. We have a job to do. I cannot keep the committee members from arguing among themselves, let's don't get it going this way.

Mr. Rauh. Mr. Chairman, may I proceed?

The Chairman. Do you have a prepared statement?

Mr. Rauh. Yes, I do.

The Chairman. Is it your intention to read all of this long statement?

Mr. Rauh. No, it isn't.

The Chairman. We just listened to you for about 30 or 40 minutes.

Mr. Rauh. I would like to take this opportunity of thanking the committee for listening to my speech, and to the Kohler Co. for making it possible.

The Chairman. Write them a personal note of thanks. Let's move along.

Mr. Rauh. I would like to place in the record, Mr. Chairman, my prepared statement, and than I would like to speak from notes on some of the pertinent matters that have already been brought to the attention of this committee.

The Chairman. In other words, you will resist the temptation to read if it we let you place it into the record.

Mr. Rauh. That is right.

The Chairman. What is the pleasure of the committee? It is quite a lengthy statement. If we are going to place it into the record for this gentleman, we are going to place it into the record for others.

That will be coming from both sides, my guess is.

Senator MUNDT. I cannot quite reconcile the Chair's position on editorials with what would now be the Chair's position on statements.

The CHAIRMAN. This witness is presenting this statement under oath.

Don't make any mistake about that. It will not go into the record or even as an exhibit unless he swears to it.

Mr. RAUH. If you prefer to have me read it, I will be very glad to read it.

The CHAIRMAN. I would much prefer it the other way, if I can get my colleagues to agree with me.

Senator KENNEDY. Mr. Chairman, I move that it be made an exhibit.

Senator MUNDT. I will second that motion.

The CHAIRMAN. The Chair appreciates that. We may have a lot of statements, and when it is made an exhibit, it is, in effect, a part of the record, but it is more economical to do it that way than it is to print it.

Since the witness is going to testify personally, my guess is before he is finished, he will cover most of the pertinent points in this long statement anyhow. Therefore, this will be made exhibit No. 46, but we accept it under oath. Do you understand that, Mr. Mazey?

Mr. MAZEY. I understand that, sir.

The CHAIRMAN. It will be made exhibit 46 for reference.

(The document referred to was marked "Exhibit No. 46" for reference and may be found in the files of the select committee.)

The CHAIRMAN. Proceed, Counsel.

Mr. KENNEDY. Mr. Mazey, could I ask you some preliminary questions first to get them into the record?

Mr. MAZEY. O. K.

Mr. KENNEDY. First, when did you come into the UAW?

Mr. MAZEY. I became a member of the UAW in the spring of 1936. I was one of the founders of the union.

Mr. KENNEDY. And prior to that what had you been doing?

Mr. MAZEY. I was working for the Briggs Manufacturing Co. in 1936, and I was discharged by the company during the course of an organizing drive which I led.

In fact, I was physically thrown out in the middle of the street by some thugs of the company.

Mr. KENNEDY. When did you first become an officer?

Mr. MAZEY. I became an officer of local 212, which was the Briggs local, it is an amalgamated local union now, in 1937. I was elected president of the local union, and I was reelected on five occasions.

Mr. KENNEDY. How often did you have your elections?

Mr. MAZEY. Once a year at that time.

Mr. KENNEDY. How often do you have them now?

Mr. MAZEY. They are once every 2 years.

Mr. KENNEDY. You were president of the Briggs local until what time?

Mr. MAZEY. I was president of the Briggs local from 1937 to 1941.

Mr. KENNEDY. Then what position did you have?

Mr. MAZEY. I then became the assistant director of our Ford Department. I played a prominent role in organizing Ford workers throughout the country. I was responsible for the negotiating of the first Ford wage contract in 1941 with the Ford Motor Co.

I served in that capacity as assistant director until March of 1943, at which time I was reelected president of local 212 once again and I returned to the local union as president in 1943.

Mr. KENNEDY. And from 1943 on?

Mr. MAZEY. I went into the Army on March 1, 1944. I served 2½ years in the Army, including over a year overseas, in the Philippines, Okinawa, and finally wound up on a little island of Ioshima. I was elected to the executive board of the international union while I was in service.

In fact, I didn't know I was even running. I was elected while in uniform. I took office as a member of the international executive board and as regional director of the east side of Detroit on May 16, 1946.

I was elected secretary-treasurer of the international union on Armistice Day, November 11, 1947, and have been reelected at each convention since that time.

Mr. KENNEDY. You were elected what in the international?

Mr. MAZEY. Secretary-treasurer.

Mr. KENNEDY. And you hold that position as of the present time?

Mr. MAZEY. I have held that position since November 11, 1947.

Mr. KENNEDY. Do you have any other positions other than secretary-treasurer in the union?

Mr. MAZEY. I have a lot of duties.

Mr. KENNEDY. Any other positions?

Mr. MAZEY. This is my official position. I am director of a number of departments of the union. I am director of the veterans' department, I am director of the community services department, I am chairman of the committee on civil liberties and civil rights of our board, and I have about a dozen other assignments of that type.

Mr. KENNEDY. That takes us up to date, and now you are ready with your statement.

Mr. MAZEY. Thank you.

Senator MUNDT. That, apparently, is a full-time job at least, the way you described it. What is the salary?

Mr. MAZEY. The salary of my position at the present time is $18,000 a year.

Senator MUNDT. Does it carry with it an expense account?

Mr. MAZEY. Yes, I have actual expenses.

Senator MUNDT. Just as you are paid on vouchers, do you mean?

Mr. MAZEY. Yes. I have a $35 a week expense account, which is a per diem account, $35 a week, and I get actual expenses.

Senator MUNDT. Do you have other sources of income or is that your total income?

Mr. MAZEY. That is my total income. I devote my full time to the union.

Senator MUNDT. One other question. I have not had a chance to read your long statement. Is there anything in that statement dealing with the problem of—I have forgotten the official phrase for it, but the boycott of the Kohler products that the union advocates?

Mr. MAZEY. I believe there is something about the boycott in there.

Senator MUNDT. If you will direct my attention to the page, I would like to read that part of it. I looked through the index hastily and I couldn't find it under that heading, but I presumed there must be something in here on it.

(At this point, Senator McClellan left the hearing room.)

Mr. MAZEY. I believe the boycott matter, Senator, is covered in Mr. Reuther's statement, but I am prepared to discuss the boycott. I have material on the boycott question.

Senator MUNDT. If there is anything in here, I want to read it before asking you questions about it. There is nothing in here about it?

Mr. MAZEY. I am not certain there is. I looked at the index and I don't find it. We had 2 statements, 1 from Mr. Reuther and 1 from myself. We divided the field.

Senator MUNDT. I was unable to get into the committee room to hear Mr. Reuther. The door was locked.

Mr. MAZEY. The door was not locked, Senator. You could get in.

Senator MUNDT. I beg your pardon. I sent my administrative assistant up to hear, and the door was locked. It was not barred, but he was kept out.

Mr. MAZEY. Senator Goldwater's assistant was here. So you were represented.

Senator MUNDT. Perhaps, then, my boy did not try quite as hard.

Mr. MAZEY. I was at the press conference. I sat here at the table while Mr. Reuther was speaking. There was no attempt to bar anyone from this room. We wanted you here, sir.

Senator MUNDT. I didn't say you barred him. He wanted in but somebody kept him out.

(At this point, Senator McClellan entered the hearing room.)

Mr. MAZEY. Mr. Reuther wanted to appear before this committee, but you didn't give him a chance.

Senator MUNDT. We will give him a chance; all the chance he wanted. I was going to point out that consequently I could not find out directly what Mr. Reuther said. I didn't have a chance to read your statement, so I am trying to find out whether anything on the boycott is in your statement.

Now you tell me it is not in your statement, but it is in the statement of Mr. Reuther; is that right?

Mr. MAZEY. I am prepared to discuss the boycott, Senator.

Senator MUNDT. I understand that, but there is nothing here in the nature of background that I can read.

Mr. MAZEY. I don't believe there is. I think it is in his statement. May I proceed, Mr. Chairman?

The CHAIRMAN. Yes; you may proceed.

Mr. MAZEY. In the speech just made to the committee, there was mention of a vote that was to be taken at this meeting that I addressed on November 17, 1954. I am sure that the committee would like to know the outcome of that vote. I have in my hand a photostatic copy of the Sheboygan Press of November 18, 1954, and the headline of the copy is: "Kohler Strike Continuation Voted 1571 to 21," after 7 months of striking.

By secret-ballot vote, in the presence of the press, on November 17, 1954, the Kohler workers voted to continue their strike. You gentlemen had an opportunity of hearing in some detail the issues, the background of this matter. I thought it might be well at this time to make the record clear as to the outcome of that vote.

The members voted by secret ballot to continue their struggle. I didn't cast a vote at that meeting.

The CHAIRMAN. What date was that?

Mr. MAZEY. November 17, 1954. I am referring to the Sheboygan Press, of November 18, 1954.

The CHAIRMAN. Let us see now.

Do you have the record of the vote without referring to the press?

Mr. MAZEY. I don't have it personally, but I am sure it is available, sir.

The CHAIRMAN. The point is where you have other proof—I will let press articles where you refer to them just be made exhibits, but the press article itself is not the best evidence, as we know.

Mr. MAZEY. I have that impression of the press occasionally, too, sir.

The CHAIRMAN. Well, you are absolutely right in that instance. Proceed.

Mr. MAZEY. May I proceed?

The CHAIRMAN. Yes, sir. Proceed.

Mr. MAZEY. An impression has been left during the course of these hearings, and the manner in which some of the questions has taken place——

Senator MUNDT. Mr. Mazey, will you get back to the microphone? We can't hear quite all of what you say.

Mr. MAZEY. I am sorry. An impression has been left or tried to be created here, that the Kohler strike was the result of activities of outside influences, of people from the city of Detroit. I want to state right from the very beginning that the Kohler strike was of the Kohler workers, by the Kohler workers, and for the benefit of the Kohler workers.

The people that appeared in Sheboygan, Wis., including myself—I appeared there on numerous occasions—were there to assist the Kohler workers in negotiations, to assist them in the strike-assistance program, and assist them in conducting an orderly and peaceful strike.

This strike began as a result of a breakdown in collective-bargaining negotiations. I had the opportunity of taking part in the negotiations of the first contract with the Kohler Co. I spent over 3 weeks in the city of Sheboygan in 1953.

The union and the company were hopelessly deadlocked. I was asked by the director of our union, Harvey Kitzman, to assist him in negotiations. With my administrative assistant, Jesse Ferrazza, I joined the negotiations and we spent a little better than 3 weeks at the bargaining table in trying to reach a contract with the Kohler Co.

We made every effort to work out this contract without having to resort to strike action. I would like to say at this point that our union is not a strike-happy union. We prefer to settle our problems across the bargaining table.

That strike action takes place only as a last resort, only when every other means fails, only when we have to make a choice between fighting or surrendering.

In these negotiations in 1953 I found a great deal of difficulty in getting the company to move. The labor policies of the Kohler Co. were far to the right of the opinions and philosophy of Louis XIV. The company was unwilling to come anywhere near meeting the contractual standards of their principal competitors. We worked hard on the

1593 contract and we finally were able to reach a settlement of the agreement, providing for a 12-cent-an-hour increase in wages and fringe benefits and other adjustments that amounted to about 6 cents an hour.

The contract that we negotiated was not everything we wanted. It was below the standards of the contracts in effect in the competitors of the Kohler Co. At the time we reached a decision that we had come to an agreement, I spent about 2 hours arguing with the rank-and-file committee of the Kohler Local 833, to try to convince them that the contract ought to be accepted.

There was so much bitterness and hate against the company, particularly for its actions in smashing the strike by the American Federation of Labor in 1934, in which 2 people were killed, and 47 shot in the back, that it was difficult to reason with this committee, but we worked at it and worked at it very hard, and we told them that, although the contract did not have everything it wanted, that collective bargaining was a continuing process, and that we had to take our collective-bargaining gains step by step and this company had to learn to deal with a legitimate union, and that we ought to take the settlement, that it was a big step forward in terms of the provisions of the old contract with the independent union.

I urged the committee to accept the agreement and to recommend the acceptance of the agreement to the membership. The committee finally agreed. I attended the membership meeting. I presented the contract to the membership, and the membership accepted the contract by almost unanimous action as a result of my efforts and the efforts of the other people involved in the situation.

Our contract provided for a wage reopener every 3 months. In May of 1953 the wage reopener was sought. The union was asking for a 14-cent-an-hour increase in wages, and the company offered us 3 cents.

The local took a strike vote, and at this point I was opposed to granting strike authorization. Under the provisions of our constitution, it is necessary for a local union to take a strike vote by secret ballot, and two-thirds of those participating in the voting must vote in favor of striking before action.

Senator CURTIS. It was my understanding that we took the testimony in reference to Mr. Vinson's assault on this little gentleman who was here this morning, and then this record was played for the purpose of showing the attack by the witness Mazey on the judge that presided in this court.

Now, I understand that he has put one speech in the record already, and I wonder if we will have an opportunity to cross-examine him at this time on these matters that are before the committee that are relevant to our inquiry.

I would like to ask him some questions.

The CHAIRMAN. I thought this arrangement of presentation had been worked out, as far as I know it has. Am I in error?

Senator MUNDT. I think that is right, but this member of the committee has a right to interrogate the witness.

The CHAIRMAN. There is no doubt, but I am trying to get my bearings now.

Senator CURTIS. I would like to ask the witness a question or two.

Mr. Mazey, in this radio tape that was played back you made some

remarks concerning the judge that presided over the case in which Mr. Vinson was found guilty, did you not?

Mr. MAZEY. Yes, I made statements.

Senator CURTIS. And among other things, you said this:

In this statement that I issued last Wednesday, I said that the sentencing of Bill Vinson was extremely harsh, and it was. It is the toughest sentence that has been handed down in Sheboygan County on a case of this type in the history of the county.

Then you went on to state:

I further said that the conduct of Judge Schlichting, in the Vinson case, raised a serious question in my mind as to whether he is qualified to serve as a judge in this community and I repeat this charge.

Will you produce that statement against the judge that you referred to here, that you said that you had made the previous Wednesday.

Mr. MAZEY. I believe the statement is a matter of record, but I believe it has been turned over. It was a written press release I made to the newspaper in answer to an editorial that appeared in the Sheboygan Press.

Senator CURTIS. Would you give me a copy of it?

Mr. MAZEY. I don't have it right at my hand, but I am sure it is available.

The CHAIRMAN. Do we have a copy in the committee files?

Mr. MCGOVERN. No, we do not.

The CHAIRMAN. You will supply a copy? Do you have a copy that you can make available?

Mr. MAZEY. I am sure there must be a copy.

The CHAIRMAN. If you don't have it with you, you can procure and make available a copy.

Mr. MAZEY. If we don't have it with us, I will call my office and I am sure we must still have it on file.

The CHAIRMAN. Is it a very long statement?

Mr. MAZEY. No. I think I dealt with what I considered injustice in about three paragraphs.

The CHAIRMAN. I am just trying to determine whether to place it in the record at this point, so the record will be clear.

Senator CURTIS. Your first attack upon the judge was in a press release issued?

Mr. MAZEY. It wasn't an attack. It was criticism of the judge.

Senator CURTIS. And it was made in the nature of a press release?

Mr. MAZEY. Yes.

Senator CURTIS. And then your next one was at this meeting where the tape recording took place, is that right?

Mr. MAZEY. At this meeting I explained my position on this entire matter.

Senator CURTIS. How many people were present at that meeting?

Mr. MAZEY. Over 2,000 people.

Senator CURTIS. And then this speech in which part of it you attacked the judge and questioned whether he was qualified to serve in the community—that was played over the radio?

Mr. MAZEY. Yes, sir, my speech was played to the community.

Senator CURTIS. How many radio stations?

Mr. MAZEY. It was played on one station, I believe.

Senator CURTIS. And that reached at least the immediate area around there of several thousand people.

Mr. MAZEY. I am told I had a very good audience for that speech.

Senator CURTIS. Was time purchased to play this?

Mr. MAZEY. Yes, it was.

Senator CURTIS. And who paid for the time?

Mr. MAZEY. The union, the UAW.

Senator CURTIS. The international?

Mr. MAZEY. The international did.

Senator CURTIS. How much did they pay for it?

Mr. MAZEY. I don't know the cost of the program. We paid the going rates, whatever it was.

Senator CURTIS. Now, do you feel that you were in your right position as a citizen attacking a judge in this manner widely and publicly and over the radio, and before thousands of people, challenging his qualifications as a judge?

Mr. MAZEY. Yes; I think that any citizen has a right to challenge the integrity of a judge whether it be on a circuit bench or the Supreme Court, if his conduct is improper.

Senator CURTIS. And you say his conduct was improper?

Mr. MAZEY. Yes; it was.

Senator CURTIS. Now, what about his conduct was improper?

Mr. MAZEY. Well, to begin with, Senator Curtis, as my speech showed, I was advised by our attorney Dave Rabinovitz, Allan Grasskamp the president of local 833, and by Bob Burkhart, the international representative assigned to the Kohler local, that early in May of 1954, Judge Schlichting called these three gentlemen into his chambers and said that he would have to disqualify himself from a particular matter relating to the union because he had an interest in a grocery store, and that he sold groceries both to strikers and to nonstrikers.

Therefore, the judge himself felt that he should disqualify himself because he had a conflict of interest.

Senator CURTIS. Mr. Reporter, would you read the question that I asked him just before he made the last reply.

(At this point, the reporter read the pertinent portion of the record.)

Senator CURTIS. I am referring to the conduct of the criminal trial.

Mr. MAZEY. You are now asking specifically what in his conduct in the trial was improper?

Senator CURTIS. Yes.

Mr. MAZEY. I pointed out to begin with, the judge raised the question of his conflict of interest himself. Now, in the trial he didn't present the charges to the jury properly, in the opinion of our legal counsel.

Senator CURTIS. Was that objection submitted to the Supreme Court?

Mr. MAZEY. Yes; it was.

Senator CURTIS. What else?

Mr. MAZEY. And in passing sentence, he passed the stiffest sentence that he could, and the stiffest sentence passed in the city of Sheboygan on a matter of this type.

Senator CURTIS. It was all within the purview of the statute, was it not?

Mr. MAZEY. No; this Vinson incident was a common beer garden brawl, and I am not happy about it, and I don't think it should have happened, and I raised hell with Vinson for the thing taking place, but I think you have to understand, Senator, when people are drinking in bars and bowling alleys, that the emotions are high in a strike situation, and sometimes unfortunate things happen.

Senator CURTIS. Well, now, Mr. Mazey, let us get to the facts a little bit. Under the Wisconsin statute, he could have been sentenced up to 3 years, couldn't he?

Mr. MAZEY. He was tried on the wrong statute. The judge should have had him on a simple assault and battery.

Senator CURTIS. Now, are you a lawyer?

Mr. MAZEY. No, but I know a great deal about the subject matter and I deal with lawyers all of the time.

Senator CURTIS. After you made these attacks against the judge, was there any objection to it made by various groups in the community?

Mr. MAZEY. Yes; I said in my speech that the bar association objected, and the clergy objected, and even the medical association objected.

Senator CURTIS. Now, I have before me here what purports to be some objection of the Catholic clergy, taken from the Sheboygan Wisconsin Press, Friday, November 12, 1954.

The headlines are:

Catholic Clergy Has Statement on Mazey.

The following statement condemning Emil Mazey's attack on the integrity of circuit Judge F. H. Schlichting was issued today by all of the Catholic pastors of Sheboygan, Sheboygan Falls, and Kohler:

"There comes a time when silence is imprudent, and may even be harmful to a community, such as Sheboygan and that time is now. A resident of Sheboygan County was attacked and severely injured by another man. The attacker was tried in circuit court and convicted by a jury of assault with intent to do grave bodily harm.

"The judge of the circuit court, F. H. Schlichting, sentenced the convicted man to prison. The attorneys for the convicted man openly in court complimented the judge for his fairness in the conduct of the trial.

"The State supreme court denied the convicted man a stay of execution of the sentence. In the face of all these acts, the secretary-treasurer of the UAW, CIO, Emil Mazel, closing his eyes to the fact that the injured man was in danger of dying, has accused the judge of obvious bias shown against organized labor.

"He even presumed to question whether the judge is qualified to serve as a judge in this community. He has attacked the integrity of a major court of this country, and deserves to be called decisively to task for his insolence.

"Lawlessness is the result in any society or community when law and order are disregarded and flouted. It is the beginning of anarchy. Is the secretary-treasurer advocating either one?"

The names following this are:

John J. Carroll, pastor, St. Clements Parish; Robert M. Hoeller, pastor of St. Peter Claver Parish; Anthony J. Knackert, pastor of Holy Name Parish; Louis Koren, pastor of St. Cyril and Methodius Parish; Charles J. New, pastor of St. Mary's Parish, Sheboygan Falls; John A. Risch, pastor of St. John Evangelist Parish, Kohler; James J. Shlikas, pastor, Immaculate Conception Parish; and William Weishaupl, pastor of St. Dominic's Parish.

Now, Mr. Mazey, it seems to me that this was not the criticism of a citizen over a decision of a court, but that you were leading a powerful and rich organization in a demonstration to intimidate courts in this land.

Mr. MAZEY. That isn't true, sir.

Senator CURTIS. And I believe that this censure that these men of the clergy gave you, that they should be commended for it.

Mr. MAZEY. If I may comment on your remark——

Senator CURTIS. Just a minute. Did anybody else——

The CHAIRMAN. Did the Senator ask a question? Did you ask the witness a question?

Senator CURTIS. No, I did not. I said, Did any other group condemn you?

Mr. MAZEY. I told you they did. The bar association passed a resolution organized by the Kohler attorneys. And the medical association passed one too, and I believe there were three resolutions passed against me at that particular time.

Senator CURTIS. Now, Mr. Mazey, I have here what appears to be a clipping from the Sheboygan, Wis., Press, Friday, November 12, 1954. It is this paper here that has at the bottom the Sheboygan County Bar Association, and I will read the main body of it here, and ask you if that is the condemnation that they leveled against you?

Mr. MAZEY. I am willing to stipulate that I was condemned by the bar, and the medical association, and by the clergy, and I am willing to stipulate that fact.

Senator CURTIS. But I think that your actions were so out of place that I think it is important that we make a matter of record what these fine citizens like the clergy, and the bar, and these other groups——

Mr. MAZEY. I am a fine citizen, too, sir.

Senator CURTIS. I haven't said anything about that.

Mr. MAZEY. I just wanted to keep the record clear.

Senator CURTIS. I did not think you might want to do that. That would make it permissible for me to introduce evidence to the contrary. But this reads as follows:

> The members of the Sheboygan County Bar Association have the fullest confidence in Judge F. F. Schlichting as judge of the Fourth Judicial Circuit of Wisconsin, and particularly do we commend the judge on his fair and impartial conduct in the recent trial of the Vinson case.
>
> We do therefore challenge and deny the implications in the statement of the UAW–CIO officials quoted above. We condemn this action of the officers of the UAW–CIO who by economic boycott are attempting to interfere with and influence the courts of this State and county.
>
> By so doing they are striking at the very heart of our free and democratic system of government. We as attorneys and officers of the court know well the record of F. H. Schlichting as judge of our county and circuit courts over a period of some 22 years, and we do without reservation reaffirm our confidence in him.
>
> We believe that the vast majority of the citizens of this county will unite with us and condemn and denounce such tactics.

Now, that was the statement that they published in answer to your statements.

Mr. MAZEY. I believe it was the statement. I haven't followed it word for word, but I was advised it was written by Kohler attorneys passed among bar association of Sheboygan.

Senator CURTIS. Well, that is hearsay. Can you prove that?

Mr. MAZEY. No, I can't.

Senator CURTIS. Why do you say it then if you can't prove it?

Mr. MAZEY. Because I believe it.

Senator CURTIS. But you are under oath here to give us the facts.

Mr. Mazey. That is right, and it is my opinion that the Kohler attorneys, the stories among the attorneys of Sheboygan, the Kohler attorneys circulated that statement and I believe that to be true.

Senator Curtis. Do you believe that the company controlled all of these members of the clergy that took part in this?

Mr. Mazey. They controlled some of them.

Senator Curtis. Which ones?

Mr. Mazey. I don't know.

Senator Curtis. Well, now, you said they controlled some of them, and which ones?

(The witness conferred with his counsel.)

Mr. Mazey. On the matter of——

(The witness conferred with his counsel.)

Senator Curtis. I will hand you the list of these clergymen, and you tell me which ones the company controlled.

Mr. Mazey. I don't know which ones the company controlled.

Senator Curtis. All right, you read the first name there, and read it into the record, and tell us whether or not the company controls that priest.

Mr. Mazey. It might save some time by saying I don't know which of the individual ministers they controlled, but I believe they influence them.

Senator Curtis. Now, you said they controlled some of them, Mr. Mazey?

Mr. Mazey. I believe they do.

Senator Curtis. We did not ask you for a statement of opinion. You were asked the question as to whether or not they controlled these clergymen, and you said they controlled some of them.

Mr. Mazey. I expressed an opinion in reply to a question.

Senator Curtis. Now, I want you to take that list and read off the first name there. Will you do that?

Mr. Mazey. I have already said I don't know which of these they control.

Senator Curtis. Read that first name on there.

Mr. Mazey. I will read it.

Senator Curtis. Read it now, aloud.

Mr. Mazey. John G. Carroll.

Senator Curtis. Of what church?

Mr. Mazey. Pastor of St. Clement parish.

Senator Curtis. Now, does the Kohler Co. control him?

Mr. Mazey. I don't know.

Senator Curtis. Read the second one.

Mr. Mazey. Robert M. Hoeller, pastor, St. Peter Cleaver parish.

Senater Curtis. Does the Kohler Co. control him?

Mr. Mazey. I don't know whether they control him or not.

Senator Curtis. Now coming back to this first name, is it your opinion that the company controls that one, the first name that you read?

Mr. Mazey. It is my opinion that the company influences many of the clergy in Sheboygan.

Senator Curtis. Oh, no; is it your opinion that the company controls the name of the first clergyman on the list?

Mr. Mazey. Senator, I can't categorically say which of these they control.

Senator CURTIS. I am not asking about any of the rest of them, but just the first one. Is it your opinion that the company controls him?

Mr. MAZEY. I don't know.

Senator CURTIS. Is it your opinion that the company controls the second one?

Mr. MAZEY. I don't know whether they control them or not, and I believe they influence many.

Senator CURTIS. Now read the third one.

Mr. MAZEY. Anthony J. Knackert.

Senator CURTIS. What church?

Mr. MAZEY. Pastor of the Holy Name Parish.

Senator CURTIS. Does the company control that clergyman?

Mr. MAZEY. I don't know whether they do or not but I think some Kohler workers could testify as to which ones the company does control.

Senator CURTIS. Now, listen, it was your testimony under oath that stated here that the Kohler Co. controlled some of these clergymen.

Mr. MAZEY. It is my opinion, sir.

Senator CURTIS. All right, is it your opinion that they control this one?

Mr. MAZEY. I don't know.

Senator CURTIS. All right, read the next one.

Mr. MAZEY. Louis Koren, pastor of Saints Cyril and Methodius Parish.

Senator CURTIS. Does the company control that one?

Mr. MAZEY. I don't know.

Senator CURTIS. In your opinion, do you believe that they do?

Mr. MAZEY. In my opinion, the Kohler Co. has great influence over the church, over the bar, and over the medical association in Sheboygan.

Senator CURTIS. Then, are you stating that it is or isn't your opinion that the company controls this last clergyman mentioned?

Mr. MAZEY. I don't know specifically.

Senator CURTIS. All right, read the next one.

Mr. MAZEY. Charles J. New, pastor of St. Mary's Parish, Sheboygan Falls.

Senator CURTIS. Now, does the Kohler Co. control that one?

Mr. MAZEY. I don't know; I think that they influence many.

Senator CURTIS. You think that they influence that one?

Mr. MAZEY. The Kohler Co. influences everything in Sheboygan County.

Senator CURTIS. Well now, a bit ago you said the company controlled some of these, and now it is your opinion that this one, this one last read is one that they control?

Mr. MAZEY. I don't know; it is possible they do.

Senator CURTIS. It is possible?

Mr. MAZEY. That is right.

Senator CURTIS. Do you make that charge, that there is a possibility that the Kohler Co. does?

Mr. MAZEY. It is a possiblity they control everyone of these churches.

Senator CURTIS. In order to do that, that would seriously reflect upon the character of those clergymen, would it?

Mr. MAZEY. I think it does, yes.

Senator CURTIS. All right, now read the next one.

Mr. MAZEY. John A. Risch, pastor of St. John Evangelist Parish, Kohler.

Senator CURTIS. Does the company control that priest?

Mr. MAZEY. Well, I have no specific proof, but anything that is existing in the Kohler Village, they control. They handle or they are really the biggest landlord of the community, and I imagine they picked the parish ministers in this case.

Senator CURTIS. Referring back to your previous statement under oath, that the Kohler Co. controls some of those clergymen, is this last one mentioned one that they control?

Mr. MAZEY. I don't know but I assume that they do.

Senator CURTIS. You assume that they do?

Mr. MAZEY. Yes, sir.

Senator CURTIS. And does that carry an assumption that reflects against the character of the clergyman involved?

Mr. MAZEY. My assumption is based on this fact, Senator, that the Kohler Village has about 1,500 people living in it, and all of the houses are given to the company's select personnel, and before a house can be sold it must be approved by the president of the Kohler Co., and I assume that with that kind of tight control over a community, that Kohler probably picks the minister of that particular parish as well.

If he picks the minister under these circumstances, he would control him.

Senator CURTIS. Does Mr. Kohler have to approve every sale of real estate?

Mr. MAZEY. That was testified to here, and I heard the testimony myself.

Senator CURTIS. Who testified to that?

Mr. MAZEY. One of the scabs. Jacobs, I believe was his name, and he said after he tried to organize a back-to-work movement, he went to see Mr. Irlan, the employment manager of the company, and he was rewarded with a home in Kohler Village, which is a nice little village, but before he got the home it had to be approved by Herbert Kohler, the president of the Kohler Co.

That was testified to here.

Senator CURTIS. I understood your testimony—that was a home that he bought from Kohler, was it?

Mr. MAZEY. I don't know whether he bought it or rented it, and I don't quite recall that incident, but I do know that the president of the company deals with all of the transactions in his village.

It is a company-owned town, Senator.

(At this point, the following members were present: Senators McClellan, Ervin, McNamara, Mundt, Curtis, and Goldwater.)

Senator CURTIS. Read the next clergyman on that list.

The CHAIRMAN. Let the Chair remind both, if I may be permitted to do so, that the testimony here involved is a lease, as I recall, and not a sale.

Mr. MAZEY. As I understand it, sir, on sales you have the same problem. There is a clause in every ownership of the home, that the home reverts back to the company.

The CHAIRMAN. You may be correct, but I wanted to say that the testimony to which you referred regarded a lease and not a sale.

Senator CURTIS. Read the next name.

Mr. MAZEY. The last one was the Kohler Parish, wasn't it?

James J. Shlikas, pastor of Immaculate Conception Parish.

Senator CURTIS. Does the company control him?

Mr. MAZEY. I don't know.

Senator CURTIS. Is it your belief that they do?

Mr. MAZEY. I believe that the company influences all of the churches in Sheboygan County.

Senator CURTIS. In the whole county?

Mr. MAZEY. Yes.

Senator CURTIS. Do you mean in the whole county there is not one church that is not under the influence of the Kohler Co.?

Mr. MAZEY. No, I wouldn't make that statement, because I hope there are some men of integrity in that county.

Senator CURTIS. Doesn't that list there include all of the Catholic clergymen in the county?

Mr. MAZEY. I don't have a directory of the clergymen so I wouldn't be able to answer that question.

Senator CURTIS. Does it say at the top of the article?

Mr. MAZEY. No, it doesn't.

Senator CURTIS. I thought it did.

Mr. MAZEY (reading):

The Catholic clergy has statement on Mazey. The following statement condemning Emil Mazey's attack on the integrity of Circuit Judge F. H. Schlichting, was issued today by all of the Catholic pastors in Sheboygan, Sheboygan Falls, and Kohler.

It happened to mention two towns and a village in the county. I hope there are men of integrity in that county and I hope there are some.

The CHAIRMAN. Are you implying that these men are not men of integrity?

Mr. MAZEY. What I am implying is that these men have attacked me, they have defended the position of the Kohler Co. Not once during this entire struggle have they ever said anything on behalf of strikers. What other conclusion can I reach?

The CHAIRMAN. I just wanted to clarify if that is what the witness wanted to do.

Senator CURTIS. I was never so astounded at a witness at any congressional hearing that I have ever known of or read of, as the statement that you have made here today.

Mr. MAZEY. Some very astounding things happen at Kohler.

Senator CURTIS. That is, reflecting upon the character of individuals such as this.

Mr. MAZEY. Some very astounding things happen in Kohler Village and in Sheboygan.

Senator CURTIS. Have you read the last name on that?

Mr. MAZEY. No, I haven't.

Senator CURTIS. Yes. Read them all one by one and tell me whether or not the company controls them.

Mr. MAZEY. We have one more to go. William Weishaupel, the pastor of the St. Dominic Parish.

Senator CURTIS. Does the company control him?

Mr. MAZEY. I don't know.

Senator CURTIS. Is it your opinion that they do?

Mr. MAZEY. It is my opinion that the company influences all of the clergy who signed their name to this particular statement.

Senator CURTIS. Now, Mr. Mazey——

Senator MUNDT. Will the gentleman yield?

Senator CURTIS. I will finish this list and before I go to another one I will yield to you.

Before we started to go over that list one by one, you made the flat statement that the company controlled some of those clergymen. Is that still your statement?

Mr. MAZEY. I said that in my opinion the company controlled the clergy of Sheboygan, Sheboygan Falls, and Kohler Village—in my opinion.

Senator CURTIS. Do you mean by that they are not men of integrity?

Mr. MAZEY. If they are controlled by the Kohler Co., they couldn't be.

Senator CURTIS. Which ones are you referring to that could not be men of integrity?

Mr. MAZEY. I said that in my opinion——

Senator CURTIS. I know what you said. I am talking about which individuals are you saying are not men of integrity?

Mr. MAZEY. All of them.

Senator CURTIS. I will yield to Senator Mundt.

The CHAIRMAN. Did the Senator yield?

Senator MUNDT. Yes.

The CHAIRMAN. Senator Mundt.

Senator MUNDT. I would like to say for the record, so that my silence will not lead to assent of this performance, that in over 17 years of serving on congressional investigation committees, starting back with the Dies committee when we were dealing with Communists, I have just heard the most shocking statement from a witness I have heard in 17 years.

When a witness says that there isn't a single man of integrity in the Catholic clergy of Sheboygan, Kohler Village and Sheboygan Falls, if he does nothing else he certainly wins whatever kind of award should be made to a fellow who says something which is the most shocking statement I think a congressional committee has ever had to listen to.

Senator GOLDWATER. Will the Senator yield?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Before we leave this point, I have tried to point out occasionally during these hearings of patterns that we see forming. I think this is another pattern that is forming, which follows a definite one that has been established for many, many years.

What the witness is saying is that because the clergy of Sheboygan County do not agree with him, they are not men of integrity. Let's see something that happened just a few weeks ago. A radio announcer in Michigan, I believe it was Pontiac, who didn't agree with Walter Reuther's share-the-profits plan was dismissed.

Why? Because of mental instability. And I think on the 21st or 22d of January, after I had made a speech in Detroit, with which Mr. Reuther disagreed, I was mentally unbalanced. So when you don't agree with people, they are not people of integrity, they are mentally unbalanced, they are unstable or instable. You never

come out and state that they might be right. This is the line. This is the line that has been followed. I remember the wail that went up from the ADA when Mr. Oxnam was criticized by Members of the Congress.

I don't hear a similar wailing going up from this group, because not just one clergyman but a whole county full of clergymen have been criticized.

Mr. MAZEY. Sir, I would like to comment on the matter you raised. The person you had reference to who made a radio broadcast, it was not Pontiac but Flint, Mich. His name was Herbert Hoover.

Senator GOLDWATER. No relation to the Republican?

Mr. MAZEY. No, relation. We don't believe in guilt by association. We put him on our payroll because we thought he was a good, competent person. Herbert Hoover has an emotional disturbance. The man needs medical attention. He made a broadcast which in my opinion he would not have made if he was in good mental health. In dealing with this particular matter, I was criticized by the press, criticized by you, Senator Goldwater. You didn't make any attempt to get the facts from me before you issued a statement on this matter.

Senator GOLDWATER. I have been used to that kind of treatment from you for a long time.

Mr. MAZEY. You didn't contact me on Hoover. You didn't try to get the facts before you criticized me, did you, sir?

Senator GOLDWATER. All I said was that you fired this man and had mental instability, and it follows a pattern that you are setting up here with this county full of ministers whom you say have no integrity.

Let me ask you a question.

Mr. MAZEY. It is not a pattern. May I finish? You made a statement.

Senator GOLDWATER. Let me ask you a question.

Mr. MAZEY. I haven't answered your last one yet.

Senator GOLDWATER. I don't recall asking one.

Mr. MAZEY. You had three parts.

Senator GOLDWATER. All right. Get on with it, because I want to find out what is wrong with me.

Mr. MAZEY. I hope we have time to answer that, sir.

Senator GOLDWATER. I suspected that would be your answer.

Mr. MAZEY. On the question of Herb Hoover, you did this man a great injustice, because he is in need of medical treatment.

Senator GOLDWATER. Well, he says he isn't.

Mr. MAZEY. Have you ever had a mental patient who said he wasn't ill? Have you ever seen one who said he wasn't ill? You did this man a great injustice. I didn't answer to your charge. On the question of his being fired, he was not fired for making that broadcast. The facts are that we had a convention of over 3,000 people, and equal time was given for all of the delegates to speak either in favor of our program or against our program.

We carried on our radio programs. We have programs on 40 stations throughout the country. There's a program we call the "eye opener."

Senator GOLDWATER. We know all of that, Mr. Mazey. We know that.

Mr. MAZEY. On this program, we carried the pros and cons of this particular issue.

Senator GOLDWATER. Mr. Mazey, we know that.

Mr. MAZEY. Herb Hoover was not fired for expressing a view that was different from the view of the convention.

Senator GOLDWATER. The reason which you gave in the paper for firing Mr. Hoover was not what you outlined. The reason was you said he was mentally unstable.

Mr. MAZEY. Senator Goldwater——

Senator GOLDWATER. Mr. Mazey, I am asking the questions. Please be quiet.

The CHAIRMAN. Let's one talk at a time.

Senator Goldwater.

Senator GOLDWATER. Do you believe now that you have stated that you had no confidence in the judge, that you believed the men of the cloth of Sheboygan County to lack integrity, how about the Bar Association of Sheboygan County?

Mr. MAZEY. It might be of some interest to you, sir, that Mr. Humke, a Kohler attorney, spoke for the resolution that was adopted by the bar association.

Senator GOLDWATER. All right. What is your feeling about the Bar Association of Sheboygan County? I assume you feel that Mr. Humke has no integrity, so let's take the rest of them.

Mr. MAZEY. I have been told by our attorney——

Senator GOLDWATER. What do you think about it?

Mr. MAZEY. I have been told by our attorney that many of the attorneys in the bar association in the city of Sheboygan are sorry for what they did; they didn't have all of the facts; they made their decisions without having all of the facts; and many of these attorneys today are criticizing Judge Schlichting because he is now handing down stiffer penalties than he did before in order to prove that he wasn't biased in the Vinson case.

Senator GOLDWATER. Again, Mr. Mazey, can you name the lawyers who are saying that?

Mr. MAZEY. No, I can't.

Senator GOLDWATER. Then you just made another charge.

Mr. MAZEY. No, I didn't.

I said that my attorney advised me of that.

Senator GOLDWATER. Who is your attorney?

Mr. MAZEY. Dave Rabinowitz advised me of this fact. He can testify himself.

Senator GOLDWATER. Let's ask Mr. Rabinowitz who these men are that are lacking in integrity, I think this is a rather serious thing, to have a man come down to the United States Senate and charge everybody in Sheboygan County there who doesn't agree with him of being men who lack integrity?

Mr. MAZEY. I haven't charged everybody——

Senator GOLDWATER. You have charged the church and the bar association. We haven't gotten to the medical association, but I assume it would be the same. I haven't a telephone directory, or we could go through the whole book.

Mr. MAZEY. Senator Goldwater, you made a number of statements a moment ago, and I would like to answer them.

Senator GOLDWATER. Wait a minute. I have asked you who these lawyers are who are now denouncing Judge Schlichting.

Mr. MAZEY. Even if I knew their names, I don't believe it would be fair to put their names in the record, because the closed shop fraternity they have would probably result in their being disbarred.

Senator GOLDWATER. You have just by inference condemned the whole Bar Association of Sheboygan County.

Mr. MAZEY. No, I have not.

Senator GOLDWATER. Then I don't understand the English language.

Mr. MAZEY. Everybody didn't vote for the resolution.

Senator GOLDWATER. The ones that voted for the resolution are lawyers who lack integrity, is that it?

Mr. MAZEY. No. Perhaps I ought to amplify my statement.

Senator GOLDWATER. I expect you will.

But——

Mr. MAZEY. There are a number of lawyers that have advised my attorney, our attorney, that they made a mistake, that they didn't have the facts; that if they had the facts they would not have added their names to that list.

Senator CURTIS. Mr. Mazey——

Senator MUNDT. Will the Senator yield?

Mr. MAZEY. Mr. Chairman?

The CHAIRMAN. Let's see who wants the floor.

Senator CURTIS. I yielded to Senator Mundt.

Mr. MAZEY. How did I get into the act?

Senator MUNDT. Mr. Mazey, you can relax. You are not going to get into the act. This has something to do with your counsel.

Mr. RAUH. Mr. Chairman.

The CHAIRMAN. Yes.

Mr. RAUH. Mr. Mazey has not, in my judgment, received a fair opportunity to answer the questions. The three Senators, with all due respect, have taken it from one to the other without giving Mr. Mazey a chance to answer, sir.

He has some more he would like to add to the previous——

The CHAIRMAN. The Chair will now give Mr. Mazey a chance to answer any part of the questions that he feels he has not answered.

Mr. MAZEY. Thank you, Mr. Chairman.

The CHAIRMAN. Then we will proceed with other questions.

Mr. MAZEY. Senator Goldwater raised the question of Mr. Hoover. I want to get back to that. Senator, I would like to speak to you man to man about Mr. Hoover, and I think if I explain in detail the medical reasons and the proof as to why he was removed from the staff, that you will agree with me. I don't want to clutter the record with this matter, I don't want to do any harm to Herb Hoover, but I want to say categorically that he was not fired for the view that he expressed. But at the same time, I want to say this, that we had the right to discharge Mr. Hoover or anybody else who expressed an opinion contrary to the opinion of the delegates that was arrived at democratically at that meeting.

If Dinah Shore on the Chevrolet program would make a statement that "Chevvies aren't any good, buy a Ford," I wonder how long she would last.

That is the other issue. Now on the statement that was referring to yourself, you came to our fair city of Detroit, you spoke at a $55 a plate

dinner, you helped raise a lot of Republican funds that will be used to try to defeat people in the State of Michigan, and you made some very serious charges against our union. I don't have the exact statement, but you said something to the effect that Walter Reuther and the UAW was more dangerous to America than all of the Russian sputniks. Mr. Reuther's answer to you was that anybody who believes that is in need of a psychiatrist, and I join him in that statement.

Senator GOLDWATER. Just a moment.

The CHAIRMAN. Let me admonish the witness.

Senator GOLDWATER. That is all right, Mr. Chairman. It doesn't bother me.

The CHAIRMAN. It doesn't bother me, either, but let me admonish the witness that the chair is not going to tolerate abusive language, insulting language, toward members of the committee. The members of the committee have a right to ask you questions, and if the chair has his way about it, he is not going to permit members of the committee to ask insulting questions of a witness, unless the facts absolutely warrant such interrogation.

Mr. MAZEY. Mr. Chairman?

The CHAIRMAN. Let us try to proceed now with questions and answers.

Mr. MAZEY. I have been abused all over this country by Mr. Goldwater. My union has been abused, President Reuther has been abused. I have a file on Goldwater's speeches and statements in which he accuses me of having thugs and goons.

The CHAIRMAN. Just a moment. These statements that are made over the country, the country is still free and you answered them over the country. But I am not going to let this become a cockpit for that sort of fighting if I can help it.

You just as well understand it. Let's proceed by asking questions.

Senator MUNDT. Senator Curtis yielded to me, I think.

The CHAIRMAN. Senator Mundt.

Senator MUNDT. This goes back to what was done by a man by the name of Gunaca, Mr. Rauh. This does not involve you, Mr. Mazey, so you can relax.

Mr. MAZEY. Everything that happens in the UAW involves me, sir.

(At this point, Senator McClellan left the hearing room.)

Senator MUNDT. Well, it might. If you want to assume some responsibility for it, you may do that.

In my absence the other day, Mr. Rauh brought in a death certificate which he placed in the record.

I have read that testimony last night for the first time. May I say I express my appreciation to the Chair because he suggested that I be called to the committee room before Mr. Rauh read it. Mr. Rauh pointed out that he had asked Mr. McGovern to get in touch with me. That is correct.

Mr. McGovern did get in touch with me. I was busy in the Agricultural Committee in executive session voting on agricultural legislation. I have no quarrel with anybody in that connection.

I just couldn't be here. Mr. Rauh attempted to get me here, and the Chair attempted to protect my interests. So much for that part of it. But the question goes to this discussion that we have been having as to whether a fatal beating, as described by the Detroit Free Press, is

murder or whether it is some other kind of manslaughter, or whether it is entirely divorced from the fact that the man died. We have the death certificate in the record now, which speaks for itself.

Except, Mr. Rauh, I could not read the name of the doctor who signed it. It think it was H. J. Hanna or something like that.

Could you supply the name for the record?

Mr. RAUH. The name is H. A. Hanson. He was the personal physician of the man that died, and he stated on there that it was heart trouble.

Senator MUNDT. Plus three other things.

Mr. RAUH. All going to heart trouble, arteriosclerosis and congestive failure, which I take it are the same thing.

Senator MUNDT. In order to find out a little more about that, Mr. Chairman, I want to read into the record at this point a statement signed by Mrs. Ethel J. Bersch, the widow of the deceased. It is March 5, 1958. I have a copy——

Mr. RAUH. Mr. Chairman?

Mr. Chairman?

Senator ERVIN. I was asked to preside by Senator McClellan.

Mr. RAUH. A rule of this committee is involved, whether a statement not under oath is to be put in the record in this fashion. Senator McClellan raised that issue. I just call attention to it.

Senator MUNDT. Mr. Chairman, I am simply asking a question. I don't suppose the lawyers are going to determine the nature of the question. If they are, it is a new rule of the committee and I would like to hear it.

Senator ERVIN. Senator Mundt, I do not feel like I should make a ruling. I am not chairman, but I was asked by Senator McClellan to preside. I would request that you hold that until Senator McClellan is able to return.

Senator MUNDT. I think the chairman should make a ruling. He has the responsibility.

Senator ERVIN. If I was going to make a ruling, I would rule out everything except the sworn testimony of witnesses.

Senator MUNDT. Does a member of the committee have to have a sworn statement as a basis for a question?

Senator ERVIN. I would rather not make a ruling.

Senator CURTIS. Wouldn't the Chair permit the Senator from South Dakota to read the statement and ask a question about it?

Senator MUNDT. I am not going to ask a question about it. I am simply building this as a background for a question that I intend to ask.

Senator ERVIN. I am a little bit at a loss as to how we will proceed. Is the Senator from South Dakota presenting evidence?

Senator MUNDT. Of course not. I am asking questions.

Senator ERVIN. Well, you are going to read an unsworn statement. I would rather not rule on the matter. I would rather Senator McClellan rule. My authority is exactly on the same plane with the Senator from South Dakota, and I would rather not undertake to rule on the matter.

Senator CURTIS. Mr. Chairman, I can't for the life of me understand all this sudden change in the rules of this committee. It has been the practice throughout the months for statements to be made,

references even to be made to FBI reports, police blotters and the like, of facts, and they are not even certified or sworn to, and then propound questions to the witness. Our Chief counsel has followed that rule. We all have throughout the months.

Senator ERVIN. Frankly, what happens in this committee—I will just ask the chairman to come back and rule.

(At this point, Senator McClellan entered the hearing room.)

Senator ERVIN. Having heard how judges have been handled recently in rulings, I would rather not be a judge. I would rather be a juror. That is what I am supposed to be here. Senator Mundt was about to read a statement of the widow.

Senator MUNDT. Mr. Chairman, I might suggest that the reporter read the background of the present discussion.

(As requested, the reporter read the background of the present discussion.)

Senator ERVIN. Mr. Chairman, I would like to say that I am reminded of an event that occurred in the Superior Court of Henderson County in North Carolina about 70 years ago.

They were calling the docket and a lawyer got up and made a motion that they have the court appoint a surveyor to survey the property involved in the case. It turned out that the case involved a suit on a promissory note. One of the visiting lawyers said he would like the court to take a little recess so that he could familiarize himself with the Henderson County practice, that they didn't have all the surveys and suits in promissory notes in courts in which he practiced.

I did not want to take the responsibility of making a ruling on this matter, because I have no authority to rule over Senator Mundt.

I am trying to sit here as a juror and hear all of the evidence and render an unbiased decision when it is all through.

I would see it to be a little easier if we had the direct examination precede the cross-examination.

Probably I have some antiquated and obsolete notions as to how facts should be developed and how the best way the search for the truth can be conducted.

But I can function a little better if we have the testimony of the witness first and then the cross-examination precedes the direct testimony, and I am in a state of confusion.

The CHAIRMAN. The Chair thinks there is possibly a misunderstanding as to what is really sought to be done in this instance.

Here is an affidavit from Dr. Lloyd M. Simonson, of Sheboygan, the Sheboygan Clinic.

In order for the doctor to make the affidavit and give information which he obtained from his patient in a professional capacity, it is necessary to have the consent of that patient.

I mean anything that he got in confidence, as we know. We all know as lawyers the relationship that exists between doctors and their patients. The doctor is making an affidavit here with respect to the condition that he found Mr. Bersch in at the time he was called to attend him and is giving his diagnosis. In order to permit him to do that, he has obtained the consent of the widow that he might give the testimony.

Under that circumstance, it is different from putting in a statement of facts of the widow without it being sworn. This is her written consent that the doctor might state the facts as he found them. There-

fore, I think the doctor's affidavit might be admitted. Am I right in that ruling?

Senator ERVIN. I have no objection to it.

Senator MUNDT. I don't object, either.

The CHAIRMAN. The widow simply gives her consent that the doctor's affidavit may be read, unless there is objection to it.

Mr. RAUH. Is this Dr. Hanson?

Senator MUNDT. It is a different doctor. That is why I was trying to find out——

Mr. RAUH. Do you mean the pediatrician?

Senator MUNDT. I don't know.

Mr. RAUH. Dr. Simonson, I understand, is a pediatrician in Sheboygan.

Senator MUNDT. I don't think we should let a witness indict a doctor before I am even permitted to read this. There ought to be somebody decent in Sheboygan County, and I was trying to protect the medical profession.

The CHAIRMAN. He swears he is a doctor.

Senator MUNDT. Continuing, Mr. Chairman, I hold in my hand a copy of a memorandum dated March 5, 1958, directed to Dr. Lloyd M. Simonson.

The CHAIRMAN. May I make a further ruling here? The statement giving her consent, that part of her statement, may be read. And part of her statement that undertakes to state a fact as to the man's condition should not be read in this case as evidence. That part giving her consent that the doctor may make an observation——

Senator MUNDT. There is nothing in the statement that deals with the condition of her husband, but I do object very definitely to any ruling on the part of the Chair that if there were something in there it could not be read. It is not in there, so it is not a question at this time.

The CHAIRMAN. I am perfectly willing to have that objection, but the Chair is still going to maintain what he believes to be proper procedure.

If we are going to just take unsworn statements and put them into the record, then there is no end to how we might handle this matter. I am ruling that the affidavit is completely proper, if the committee wishes to accept an affidavit.

As far as I am concerned, the committee will accept the affidavit. But a statement of fact, other than giving her consent, by the widow, would not be proper, and would not be evidence, unless it is sworn.

Let us agree that the widow has given her consent and read the affidavit.

Senator MUNDT. In fairness to Dr. Simonson who has already been slandered by counsel for the UAW, Mr. Chairman, I am not going to read the affidavit, unless I can read the permission that she gave the doctor to report the facts.

The CHAIRMAN. Let the Chair see it again.

Mr. RAUH. Mr. Chairman, I didn't slander this man. I said he was a pediatrician. There are a lot of people who go around bragging about that.

The CHAIRMAN. Just a moment. This lady says in her statement that Dr. Lloyd M. Simonson—this is addressed to him—she states—

I hereby consent that you may disclose to Attorney H. S. Humke or to any court of law or any congressional or legislative committee, by affidavit, testimony or otherwise, any information which you may have acquired in attending my deceased husband in a professional character. I hereby waive any privilege granted such communication by section 325.21, Wisconsin Statutes.

(Signed) ETHEL G. BERSCH.

MARCH 5, 1958.

That part of the statement absolutely permits the reading of the affidavit, to do this thing in the legal and proper way.

Senator MUNDT. Still not conceding the right of the Chair to take away from his colleague in the Senate the right to read the statement that he proposes to read to this committee, I am ready, nevertheless, to proceed with the affidavit.

The CHAIRMAN. The Chair has not taken away the right. The Chair is not a dictator and not presuming to be one. I have the initial duty to make a ruling. The Chair has made the ruling, and there is always an appeal over the ruling of the Chair through the committee as a whole.

Senator MUNDT. There is no need to appeal the ruling, because the information I desired to put into the record is now there. But I do not yield to the Chair or to any other member the right to tell me, as a Senator, representing the State of South Dakota, what I am going to say in this committee, the questions I am going to ask, and they are not going to be censored by anybody, including the attorney from the UAW.

The CHAIRMAN. Just a moment, Karl. The Chair is not trying to censor what you say or do.

You can cut loose and do as you please. But the Chair is going to make a record here of an effort, at least, to make decisions when they arise and which he believes fair, just and equitable, and which are in accordance with the law and the rules of procedure. If you want to take offense at that, it is all right with me.

Senator MUNDT. No offense, Mr. Chairman. I am simply establishing my record from my point of view as you are establishing yours.

This one has been amicably decided because you have read into the record the clearance which I felt was due Dr. Simonson.

The CHAIRMAN. I have ruled absolutely on everything except a statement of fact that she says about his condition. I don't think that is proper. It isn't under oath. Proceed.

Senator MUNDT. Now, Mr. Chairman, we have on the letterhead of the Sheboygan Clinic, Sheboygan, Wis., the following sworn affidavit, which I now offer as evidence.

The CHAIRMAN. Unless there is objection, the affidavit may be read. Read it.

Senator MUNDT. It is dated March 5, 1958:

STATE OF WISCONSIN,
County of Sheboygan, ss:

Dr. Lloyd M. Simonson, being first duly sworn on oath, deposes and says that he is a duly legally practicing physician and surgeon of the State of Wisconsin and is connected with the Sheboygan Clinic, of Sheboygan Wis., that on the 4th day of July 1954, he was called upon to give first-aid treatment to one William Bersch, Sr., which treatment was given first at the Sheboygan Clinic and then

at St. Nicholas Hospital, of Sheboygan, Wis., that from his findings, together with the history, hospital records and X-rays of said William Bersch, Sr., I find the diagnoses of (1) multiple bruises, (2) two bruise lacerations of the scalp, (3) a fracture of the 7th cervical vertebra and arteriosclerotic heart disease.

It is my opinion that these multiple injuries may have been a contributing cause to the cardiac failure and death of William Bersch, Sr.

Very truly yours,

LLOYD M. SIMONSON, M. D.
(Signed) Lloyd M. Simonson, M. D.

STATE OF WISCONSIN,
County of Sheboygan:

Subscribed and sworn to before me this 5th day of March 1958.

ETHEL NEHCLING,
Notary Public, Sheboygan County, Wis.

My commission expires August 30, 1959.

The CHAIRMAN. Are there further questions?

Senator Curtis.

Senator CURTIS. Yes, Mr. Chairman. I would like to continue with my interrogation about the witness Mazey's attack upon the judge.

You have testified as to the condemnation and denouncing of the Catholic clergy for this act.

Did the Sheboygan County Ministerial Association also denounce you?

Mr. MAZEY. I don't know. I don't think they did. I believe I had a few friends in that town.

Senator CURTIS. I have before me here a statement, and I will read it, and then I will ask you if that did happen. This is from the Sheboygan (Wis.) Press, Saturday, November 13, 1954.

The headlines say:

MINISTERIAL ASSOCIATION DENOUNCES MAZEY'S TACTICS

The Sheboygan County Ministerial Association today issued the following statement concerning the recent verbal attack on Judge F. H. Schlichting by Emil Mazey, UAW–CIO secretary-treasurer.

A very grave issue confronts the community. It is not the issue of the strike at Kohler. It is the issue of an attack upon fundamental institutions which undergird our common life.

Let us again state the facts which undelie the issue. Mr. Emil Mazey, of UAW–CIO, has attacked the integrity of the highest judicial authority of this county, and has at the same time announced an action to punish the judge for sentencing a man convicted in open court by a jury of his peers.

The sentence was within the discretion of the court as determined by law. Further the attorneys for the defendant commended the judge for his fairness in the conduct of the trial. And, finally, the convicted man has a remedy for judicial error in appeal to a higher court.

But the basic remedy for an attempt to intimidate the court can only be found in the stern indignation of the community. Surely a leader of labor betrays his fellow workers when he seeks to destroy or weaken that judicial power which is the bulwark of all groups against injustice, even by the Government itself. Destroy the structure of our liberties and the first group to suffer will be the worker.

This is the road to lawlessnesses and violence.

As ministers of the church who must be concerned with justice and the rights of every individual, we are under compulsion to speak this word.

And these names are printed following the statement:

Arno Duchow, Grace Community Church of Kohler; John R. Estes, Baptist Church, Sheboygan Falls; Wilford H. Evans, First Congregational Church; William Genszler, First United Lutheran Church; John Gerber, Ebenezer Evangelical and Reformed Church; August Grollmus, St. John's Evangelical and Reformed Church; T. Parry Jones, First Methodist Church; Clarence Koehler, Zion Reformed Church; Marvin Lehman, St. Paul's Evangelical and Reformed

Church; James Saint, First Presbyterian Church; Henry Vermeer, Hope Reformed Church; Richard Werner, First Baptist Church.

You are the Emil Mazey that is referred to in this resolution, are you not?

Mr. MAZEY. I don't know. Maybe there is a twin somewhere around the country. I assume I am.

Senator CURTIS. And you did not know of that denouncement?

Mr. MAZEY. Senator, so many people have denounced me through my lifetime that I can't possibly know of all of them.

Senator CURTIS. And you did not know about this one?

Mr. MAZEY. I may have known about it at the time, but I thought it was only the Catholic Church that denounced me. I am not quarreling with you. If what you say is there appeared in the paper, I assume what you say is correct.

Senator CURTIS. Do you question the integrity of these ministers that signed this statement?

Mr. MAZEY. Senator Curtis, let me make my position perfectly clear. I am not attacking the spiritual attitude of the clergymen. I claim that not even clergymen are infallible on material matters.

Our union has just recently suggested to General Motors, Ford, and Chrysler, that our basic economic demands be heard before a panel of ministers that George Romney of the American Motor Co. got together.

Senator CURTIS. Will the reporter read the question.

(The reporter read the pertinent portion of the record.)

Mr. MAZEY. Senator Curtis, maybe my use of the word "integrity" during our discussion may have been a little bit harsh. I do question their judgment on these matters.

Senator CURTIS. But you don't question the integrity of this group?

Mr. MAZEY. No. I think if I could use an eraser on this question—I have an eraser on my pencil, and you use erasers when you make mistakes. I think the word "integrity" was a little bit harsh. I don't want to do anybody an injustice, anymore than I thought it was improper for them to do me an injustice without having all the facts on that matter.

Senator CURTIS. What is your statement as to these churches here? Are these churches under the control of the Kohler Co.?

Mr. MAZEY. I don't know.

Senator CURTIS. Do you know whether the Kohler Co. has anything to say in the selection of their ministers?

Mr. MAZEY. I don't know that either.

Senator GOLDWATER. I have just one question, Mr. Mazey. During the course of the speech that we listened to over the tape, you said the churches should send missionaries to Sheboygan.

Does that tie in pretty much with your idea that the clergy in Sheboygan are not men of integrity?

Mr. MAZEY. Senator Goldwater, you and your colleagues to your right have been making a great deal of fuss about Detroiters going to Sheboygan.

Senator GOLDWATER. Mr. Mazey, you made a statement ——

Mr. MAZEY. I want to explain.

Senator GOLDWATER. I want you to answer the question. I don't want a speech—"that the churches should send missionaries to Sheboygan." What prompted that remark?

Mr. MAZEY. I am in the process of trying to explain it to you, if you give me a chance.

Senator GOLDWATER. No; you are not.

Mr. MAZEY. Yes; I am.

Senator GOLDWATER. I am asking if that was prompted by your remark that these men were not men of integrity.

Mr. MAZEY. I think I have a right to explain my position on the matter.

Senator GOLDWATER. I am asking for an answer, and then you can explain it.

Mr. MAZEY. I wasn't charging—I didn't challenge their integrity with that statement. The point I was answering was this: I was accused by the Sheyboygan press of being an outsider, and in my speech I said that I did not tell the Kohler workers to go on strike, I did not tell them to turn down their contract, I did not tell them to take a strike vote—I made no recommendation of any kind in this matter at all—and that the only thing I did in the situation was I worked hard at the bargaining table trying to help settle the strike.

It is my responsibility to provide strike assistance in the form of money to these men. Our union has given the Kohler strikers almost $10 million in assistance.

I was dealing with this question of the attack that was being made on me of being an outsider. This was my way of answering that particular charge.

Senator GOLDWATER. That churches should send missionaries to Sheboygan?

Mr. MAZEY. Yes. On matters of social questions, I think the ministers in Sheyboygan have a great deal to learn.

Senator GOLDWATER. About what? About the church?

Mr. MAZEY. No; not about the church. About social matters, about working conditions, about the problems of people.

Senator GOLDWATER. Don't you think——

Mr. MAZEY. Bishop Haas, and Bishop Sheil, and Father Clancy, and Father Gillette, and hundreds of other ministers throughout the country know something about the problems of people and they work at it.

Unfortunately, there isn't a single minister or clergyman in Sheboygan that has any real contact or closeness with the problems of people who at any time spoke out against the injustice that existed in the Kohler plant. That was the point I was making.

Senator GOLDWATER. That is the answer to the question then, that you feel that the churches should send missionaries to Sheboygan, because the clergy of Sheboygan are incompetent to carry out their full duties? I have always assumed that one of the interests of the church certainly lays in the welfare of people and what the church could do to help people.

Mr. MAZEY. Senator Goldwater, in our early struggles in Detroit and elsewhere in the country, I and our union worked very closely with many, many clergy, and they walked our picket line and attended our soup kitchens and they made speeches at our meetings.

They served as arbitrators and we just recently proposed, as I started to say a moment ago, that a panel of clergymen which Mr. George Romney, president of American Motors Corp. would pick out, sit and listen to the merits of our demands on GM, Ford, and Chrysler.

I want to have my attitude perfectly clear on this matter. I do think that on basic social questions, there is much to be desired among the clergymen in this particular community.

Senator CURTIS. Now, Mr. Mazey, what grocery store was it that Judge Schlichting was supposed to have a financial interest in?

Mr. MAZEY. He had Piggly Wiggly Markets.

Senator CURTIS. Where is that?

Mr. MAZEY. They were in Sheboygan. And then he had the Schlichting Market in which he had an interest in Sheboygan Falls.

Senator CURTIS. He was a part owner?

Mr. MAZEY. To the best information that I had he owned about 20 percent of the stock of these stores.

Senator CURTIS. And is there a boycott of those stores going on now?

Mr. MAZEY. No, the judge finally decided to practice law and get out of the grocery business and he sold his interest, and there is no boycott of the stores.

Senator CURTIS. When did the boycott start?

Mr. MAZEY. There wasn't any boycott, Senator Curtis. We have a right to spend our money, dues money of our members anywhere we want to. If we chose not to spend it in the store that Judge Schlichting had an interest in, that was our business.

Senator CURTIS. When did the judge sell his interest in these stores?

Mr. MAZEY. Shortly after this particular incident, and I don't know the exact date, but I am advised that he sold his interest.

Senator CURTIS. Was that brought about as a result of the action the union took?

Mr. MAZEY. No. I think the judge finally came to the conclusion that the statement that he made to Dave Rabinovitz, and Allan Grasskamp and Bob Burkhart early in May, that he had a conflict of interest and didn't want to serve on any cases of UAW members because he sold to both strikers and nonstrikers—I think the judge finally put his own conflict-of-interest definition into practice.

Senator CURTIS. Now, you gave no encouragement or suggestion to people that they not trade at these stores?

Mr. MAZEY. Senator Curtis, you don't know how we handle our strike assistance. Each Kohler worker would appear before the strike assistance committee, or what we call our community service committee, and we gave assistance in the way of food vouchers. These food vouchers could be cashed in at most of the stores of the city of Sheboygan and with whom we had arrangements.

The vouchers were accepted as cash, and once each month or oftener, the owners of the stores would send these to our office in Sheboygan, and we would pay the food vouchers.

At the point this matter came up, I gave instructions that there were to be no food vouchers in the stores that Judge Schlichting had an interest in.

Senator CURTIS. But up to that time, the individual receiving the vouchers could take it to the store of his own choosing?

Mr. MAZEY. That is correct.

Senator CURTIS. Did you make any further public charges against the judge after this one in this radio tape here?

Mr. MAZEY. No, I believe that was the last time that I talked about him. I would like to explain my position further on this matter of

the grocery thing, Senator Curtis, and I think you want all of the facts, and you probably want my position on the matter.

As I said in that speech that you heard, if we had continued to give grocery business to Judge Schlichting's store, we would probably have been accused of trying to influence the judge by giving him business.

I personally am of the opinion that no person should serve as a judge who has an interest in the community in which he may be biased in making decisions because of that. That was the point I was making. That point is just as valid today as it was when I first made it.

Senator Curtis. Well, I think the point made by these various resolutions of denunciation, that denounced what you have done as a wrongful effort to intimidate the courts——

Mr. Mazey. I was not attempting to intimidate the court at all.

Senator Curtis. And to interfere with the administration of justice, and to substitute mob action and such efforts in lieu of the administration of justice—I think deserves the condemnation that these fine citizens in this community gave you in these various resolutions.

Mr. Mazey. Senator Curtis, I was not intending to influence the judge or not intending to intimidate him or coerce him, but the thing I cried out, and I still cry out against today, is all we want is a fair shake in court whether it is in Sheboygan, or Detroit, or anywhere else in the country.

At the point that a judge treats a Detroiter or striker differently than he does the balance of the people in the community, I think that I have a right to cry out about it. Any decent person has a right to cry out.

All we want is a fair shake, and it would be a mistake if any economic group in the country could control judges and I am opposed to that.

Senator Curtis. Wasn't the issue of whether or not you got a fair trial submitted to the Supreme Court?

Mr. Mazey. No, it wasn't.

Senator Curtis. It was not?

Mr. Mazey. No, it went to the Wisconsin Supreme Court, and not the United States Supreme Court.

Senator Curtis. I mean the Wisconsin Supreme Court, and it was sent there, was it not?

Mr. Mazey. Yes, it was.

Senator Curtis. Mr. Chairman, I ask that a copy of the decision of the Supreme Court of Wisconsin in the case just referred to be received and printed as an exhibit.

I withdraw that. I understand that the counsel has already read the pertinent parts in it.

The Chairman. I think it was read in this morning.

Senator Curtis. I withdraw the request.

The Chairman. That is the part where the court rules.

Senator Curtis. Now, have you voiced any criticism of the Supreme Court in this matter?

Mr. Mazey. I don't think that I have. But I think that they are not infallible, and they could make mistakes and I remember a few years ago when the Supreme Court in Michigan upheld the Bonate case, and it was appealed to the United States Supreme Court, and

by a nine-to-nothing vote they overturned the decision of the Michigan Supreme Court.

Nobody is infallible. I am not infallible, and neither are you.

Senator CURTIS. But they did pass on the fairness of the trial of the defendant in this case, and they affirmed Judge Schlichting's actions and approved of the sentence; isn't that true?

Mr. MAZEY. The question of the severity of the sentence is not an appealable matter in the State of Wisconsin, I am advised.

Senator CURTIS. Now, Mr. Chairman, there are a number of other matters before the witness leaves the stand in the next day or two, I want to inquire about, but that is all I will go into at this time.

Senator ERVIN. Mr. Chairman, I would like to make an observation. I stated a moment ago that I thought that the issue in this matter shuld be established by the testimony, sworn testimony of witnesses.

Now, I have examined the affidavit made by Dr. Simonson. He testifies he saw this man on the 4th of July 1954. As I recall the evidence, this man died in October of 1955, or about 14 or 15 months later. It doesn't appear from this affidavit that the doctor ever laid eyes on this man after the 4th of July 1954, and it doesn't appear that he saw any hospital record of any kind relating to the man's circumstances surrounding his death, and the only thing that this statement in here could be admitted to prove in any court of law in the United States was that the man had suffered some physical injury, the extent of which is suggested by is not revealed.

Now, this statement of this doctor could have been offered in any court of law in the United States in my judgment as a lawyer, and it would not have been received in evidence as tending to show any casual connection between any alleged injuries to this man and this man's feet.

I could not make findings on the basis of such statements, and I think it is extremely unfortunate that we have ex parte statements put in this record on this matter.

Senator CURTIS. Would the distinguished Senator yield for a question there?

Were you present when the death certificate was received?

Senator ERVIN. Yes.

Senator CURTIS. Do you think any court in the land would have received that death certificate?

Senator ERVIN. I can only speak for the State I practice in, and our statutes of North Carolina, and the statutes of virtually every State in the Union provide that the death certificates are receivable in evidence when certified by the custodian.

They are public records, and most statutes provide that they are prima facie evidence of the truth of the facts which they recite. That was an official record and in the State in which I practice law would have been received in evidence, and would have been received as prima facie evidence of its recitations.

But frankly, I think it is unfortunate to attempt to prove by such ex parte affidavits as this that certain injuries received caused death. I think it ought to be proved by the testimony of witnesses who come here before the committee, and show that they possess a sufficient knowledge of the facts to express an opinion.

For all it appears to the contrary, this doctor never saw this man but one time in his life.

The CHAIRMAN. Let the Chair make this observation. We get into pretty delicate legal intricacies sometime. The prohibitive force of this affidavit is that it tends to corroborate the allegation that the man had been assaulted. It does not say so, but it does establish the fact that on that day this man had bruises, injuries, and abrasions and so forth, and therefore it tends to corroborate any allegation that the man had suffered an assault on that day.

For that reason, I let it go in the record, and the issue may come as to whether the man was even assaulted at all or not. I don't know. That I thought was the basis upon which the affidavit might be admitted.

Senator ERVIN. I agree with the chairman that the facts stated in there do tend to show that the man had suffered some physical injury, and therefore tended to corroborate the evidence about the assault and that is as far as it goes in my opinion, as evidence.

Senator MUNDT. Mr. Chairman, I have an objection of course to the Senator from North Carolina thinking it was unfortunate that I brought in this testimony or this affidavit. He is entitled to his opinion, and I respect it, and I am sure he respects my right to have my opinion.

Now, I want to point out, however, that this affidavit goes much further than his recital of it would indicate. Since his omission of some pretty important statements in the affidavit might tend to give a lot more support to the UAW position than the affidavit itself, I want to reread what to me was the most significant part of the affidavit.

Among the three diagnosis sworn to by Dr. Simonson was a fracture of the seventh cervical vertebra. I don't know much about North Carolina law, and I am not a lawyer in South Dakota, but I don't think you have to look at a man with a broken neck every 15 minutes to be able to conclude that it might contribute to his ultimate demise.

I am glad the affidavit is in, and I don't consider it unfortunate, and I consider it exceedingly fortunate that we have this balance of medical testimony.

Senator ERVIN. I would say that there could be about 40 or 50 different kinds of fractures of vertebra, and I have seen some X-rays of them that showed it was very insignificant and some were very serious, and that is the reason I say we ought to bring Dr. Simonson here instead of intrdoucing ex parte affidavit, because there is nothing in there to indicate that he had acquired any knowledge after approximately the 4th of July 1954, 14 or 15 months before this man's death.

What I am arguing for is in the interest of the committee. I don't think that the committee ought to be forming conclusions and opinions on such evidence.

Senator MUNDT. I want to reiterate, Mr. Chairman, that to me evidence of a broken neck is rather important in connection with a man's death as a result of an assault which everybody knows took place.

Senator ERVIN. I am not certain that the seventh cervical vertebra is in your neck.

Senator MUNDT. If you are not certain you should not be trying to disqualify the affidavit.

Senator ERVIN. I would like to ask you a question? Are you certain of that?

Senator MUNDT. I am certain because the doctor who examined him said it may have been a contributing cause to his death, and I being neither a lawyer nor doctor, would have to get my advice from professional sources.

The CHAIRMAN. Gentlemen, the time for final decision and writing a report will be later. I suggest that all parties weigh the evidence and think over this matter, and then we might even change our mind before this hearing is over, one way or the other.

Mr. RAUH. Mr. Chairman, on procedure, we had understood, or I think we had misunderstood, that Mr. Mazey would be allowed to make a statement.

Mr. Mazey spoke for I think about 37 seconds, and the questioning began.

Now, Judge Erwin made a suggestion that he should be allowed to make a continuous statement, and we request for the committee's consideration that whenever the time we next meet, Mr. Mazey would be given the opportunity.

The CHAIRMAN. The committee generally hears a witness who wants to make an opening statement, and in this instance he had a prepared opening statement that was so long, I was very hopeful and I was very happy when we did not have to listen to him read all of that long statement.

The proper thing would have been for us to have let him summarize it, and he did summarize part of it, and then proceeded with the cross-examination.

However, in the course of this statement, it is frequently permitted, and in fact I don't know it is ever denied, the right of a Senator to ask questions as the statement is read or as the general statement is made.

This did get off this afternoon beyond what possibly was to be general statement or position and so forth. Once you get into these things, it provokes questions from others and it inspires questions and it is hard to stop.

In the morning when we return, I will ask the committee to permit him a reasonable time in which to make a summary. I will not indulge a long, long statement, and don't misunderstand the Chair.

All right, did you have something?

Mr. KENNEDY. No.

The CHAIRMAN. The committee will stand in recess until 10 o'clock in the morning.

(Whereupon, at 5 p. m., the committee recessed to reconvene at 10 a. m. Friday, March 7, 1958.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

FRIDAY, MARCH 7, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10:30 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the Caucus Room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator John F. Kennedy, Democrat, Massachusetts; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Pat McNamara, Democrat, Michigan; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John J. McGovern, assistant counsel; Margaret W. Duckett, assistant chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were: Senators McClellan, Ives, Kennedy, McNamara, Goldwater, Mundt, and Curtis.)

Representative HOFFMAN. I would like to make a very, very brief statement, Senator, if it is permissible.

The CHAIRMAN. Just a moment, and let me get order.

May I have the committee's attention? Congressman Hoffman of Michigan appears in the hearing this morning, and requests to be heard briefly by the committee. Is there objection?

May the Chair inquire of the Congressman if you wish to testify?

Representative HOFFMAN. Under oath, if you wish, and it is immaterial to me. It doesn't add to my truthfulness or detract from it if I am not sworn.

The CHAIRMAN. Sometimes someone likes to make a statement or suggestion or something, and we don't put them under oath for that. But if your statement is to be in the nature of testimony, it would have to be under oath just as anyone else.

Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Representative HOFFMAN. I do, sir.

TESTIMONY OF HON. CLARE E. HOFFMAN

The CHAIRMAN. Would you like to sit or stand?

Representative HOFFMAN. It is brief, so I will stay here.

The statement is not necessarily in the way of testimony. From the press, recently, I have noted the charge, in effect at least, that Michigan is a sort of State of refuge for individuals either guilty or charged with criminal offenses, and that it has refused to honor the request of another State, Wisconsin.

There is also in the paper this morning a statement that the counsel for the committee; that is, if I read it right, has asked the court here for some sort of process which would prevent the serving of any legal papers on the one who is about to be called as a witness.

Now, I am somewhat familiar with the doctrine of exception from civil process, and to a certain extent from criminal process when an individual is called before the courts.

Whether or not that applies to committee hearings I have no knowledge or opinion, and of course I am not privileged to suggest any course and do not.

My point is this: In view of this charge against what might be termed the honor of the State of Michigan in refusing to grant extradition, it is my desire to later, and at the convenience of the committee, give testimony as to facts distinguished from inferences and conclusions as to some of the things which have happened in years gone by in the State of Michigan.

While here permit me to add, incidentally, that in the 4th Congressional District of Michigan we have had very little sustained violence, because those who are charged with violence have been convicted and sentenced by the judge, although in one very prominent case the individual convicted of violence in connection with a labor dispute and a strike was pardoned.

I think it might be pardoned, or paroled, and he was out within 29 days, and he was back on the picket line within a couple of weeks.

I thank you, Senator and the committee, and I appear at your convenience.

The CHAIRMAN. We will be very glad to hear you, Congressman, and at a convenient time we will confer about it, and we will be very glad to have your testimony.

Representative HOFFMAN. Thank you very much.

Senator MUNDT. May I inquire of the Congressman, do I understand that you are prepared at any time or that you want some time to get ready for your presentation.

Representative HOFFMAN. Well, to avoid a rambling statement, I had better get the facts coordinated, and any time next week, probably the latter part of the week, at the committee's convenience.

Senator MUNDT. Some time next week you would like to appear?

Representative HOFFMAN. Whatever suits the committee.

The CHAIRMAN. If you will notify the Chair, Mr. Congressman, whenever you have your statement prepared——

Representative HOFFMAN. I am ready any time you are.

Senator MCNAMARA. Would you give the Democrats equal time?

The CHAIRMAN. Yes, sir, double time, if they want it, as far as I am concerned.

All right, come around, Mr. Mazey.

TESTIMONY OF EMIL MAZEY, ACCOMPANIED BY JOSEPH L. RAUH, JR., COUNSEL—Resumed

The CHAIRMAN. On yesterday, the witness, Mr. Mazey, filed with the committee rather than read it, quite a lengthy prepared statement. The Chair appreciated very much the fact that he did not insist upon reading that long statement, but it is a part of the record and it was made a part of the record as an exhibit.

We undertook to give Mr. Mazey an opportunity to summarize his statement verbally. In the meantime we started to ask him questions, and he never did get to conclude his summary.

I advised yesterday afternoon, the Chair announced that we would resume this morning and we would give Mr. Mazey an opportunity to summarize his statement, and I will ask my colleagues if they will to withhold questions other than maybe something for clarification as he proceeds now.

Mr. Mazey, we will give you some 10 or 12 or 15 minutes now and let you conclude your statement.

Is there any objection to the Chair's observation?

Mr. MAZEY. Thank you.

Senator MUNDT. Assuming as I do that this does not mean that any member of the committee is precluded from interrupting him, at any time he feels he should be interrupted, in the interest of clarity or accuracy, I certainly have no objection.

The CHAIRMAN. I just said it.

Senator MUNDT. I thought you said 12 or 15 minutes.

The CHAIRMAN. In the course of it for clarification purposes, any member of the committee might ask a question.

Mr. MAZEY. Mr. Chairman and members of the committee, I want to thank you for the opportunity of allowing me to make an uninterrupted statement. I will be as brief as I can. I am planning to make a short statement this morning.

Yesterday, I testified to the efforts that our union had made in the 1953 contract to settle our problems with the Kohler Co. without resorting to strike action. I began to describe the contract wage reopener when the local union asked 14 cents and the company offered 3 cents and the local took a strike vote.

It was my judgment that a strike should not take place, and it was inadvisable, and I sent my administrative assistant, Jess Ferrazza into Sheboygan to work with Harvey Kitzman, and officers of the local union to reach a settlement and to advise the local union that the international union would not authorize a strike.

Mr. Ferrazza and Mr. Kitzman were booed by the membership, and I was personally accused of a sellout, but I felt that it would take a little more time for the company to live with the union, and we were not looking for a fight.

In 1954 after the contract expired, we asked for an extension of the contract. The company rejected it, and we worked without a contract from March 1 until April 5, trying to find a way to settle this matter with the company.

Now, I cite this merely to point up that we are not a strike-happy union, and we were not looking for a fight, and we were trying to establish the same good relations with the Kohler Co. that we have with thousands of other companies under contract with our union.

In addition to these efforts, the mayor of Sheboygan tried to settle this dispute, and the union agreed. The common counsel of Sheboygan attempted to mediate the dispute and the union agreed.

The Governor of Wisconsin, the nephew of Herbert V. Kohler, the president of the Kohler Co., offered his good office in an attempt to settle the strike. The union agreed.

We offered to arbitrate the matters in dispute within the framework of the wages and the contracts of the company's principal competitors, namely the American Standard & Sanitary Co., the Crane Co., and the Briggs Manufacturing Co.

The State and Federal judges of Wisconsin have tried to mediate this dispute and the union agreed. The Wisconsin Employment Relations Board has tried to mediate the dispute. The union agreed.

A subcommittee of the United States Senate has tried. Both Senator Ives and Senator McNamara were on this committee, and the union agreed with their efforts to mediation.

Prominent clergymen of Catholic and Protestant and Jewish faiths have offered to help mediate the dispute, and the union in each case agreed.

(At this point, the following members were present: Senators McClellan, Ives, Ervin, McNamara, Kennedy, Mundt, Curtis, and Goldwater.)

Mr. Mazey. We have suggested every possible method known in the entire area of labor-management relations as a way of settling the strike. The union suggested the Secretary of Labor, James P. Mitchell, appoint an impartial arbitrator. The union suggested that President Eisenhower appoint an impartial arbitrator. The union has proposed acceptance of the recommendations of the National Labor Relations Board examiner as a basis for settling the strike. I think, members of the committee, that the time has come to end the bitterness and the division that has existed in Sheboygan County for almost 4 years. I don't feel that we collectively contribute to good community relations or can we lay the basis of good labor relations with the Kohler Co. by rehashing the bitterness of the past. This can only lead to a dead-end street. I, therefore, propose on my behalf and on the behalf of President Walter Reuther, and on behalf of Allen Grasskamp, the president of local 833, and I am sure on behalf of all of the members of local 833, that this committee, acting as a group of private citizens, or a subcommittee of this committee, arbitrate the matters in dispute between the Kohler Co. and the UAW.

We are prepared to have this committee, acting as private citizens, to arbitrate it, or you can have a subcommittee of your committee, or you can name an arbitrator and we are willing to abide by the decisions of anyone of these three processes.

Senator Ives. Mr. Chairman, may I break in there just a minute, in view of the fact that my name has been mentioned and with Senator McNamara?

That is exactly what we tried to do, do you remember?

Mr. Mazey. Yes.

Senator Ives. And we could get no response from the company. At that time, the union itself was very responsive, and agreed to sit down and arbitrate the thing or settle it in any way they could. I don't know if you could get any further. If there is any one from the company who is willing to arbitrate with you, I am sure I speak

for Senator McNamara and I know I speak for myself, and I will say that we will be glad to sit down and try to arbitrate it.

Senator McNamara. Mr. Chairman, I know that the committee has expressed their position that they are not here to serve as an arbitration board, that it is not a function of the committee. But, nevertheless, I think it is a statesmanlike approach to the solution of a bad situation that would be certainly for the good of everyone involved.

If I personally can make a contribution, as Senator Ives has said, I would be glad to do it.

I would like to ask the witness: Have you any indication that the company would go along with such a proposition?

Mr. Mazey. No. I haven't spoken to the company. But I am hopeful that the company had an opportunity of rethinking this problem. We have been doing a lot of thinking about it. I hope they have now reached the conclusion and are willing to take another look at the situation. I make this offer in a sincere effort to find a basis of living with the company, and in order to bring an end to the bitterness in the Sheboygan community.

The Chairman. Have you finished your statement now, Mr. Mazey?

Mr. Mazey. Yes.

The Chairman. Senator Kennedy.

Senator Kennedy. Is it your position that you would accept the decision on this strike by the Secretary of Labor, the head of the Mediation and Conciliation Service, any arbitrator named by the Secretary of Labor, the committee—though I am not sure that it is a function of the committee in this regard—you would accept the decision of the committee settling the strike or a subcommittee, you would accept the decision of any one of those 4 groups or any one named by any one of those 4 groups?

Mr. Mazey. That is right. That is exactly our position.

Senator Kennedy. I would like to ask Mr. Conger to come up here and ask him if he would accept the same agreement. It might be possible to bring this matter to a swift conclusion.

Senator Mundt. If we are going to settle the strike, I am perfectly willing to do that, but I——

The Chairman. Just a moment, please.

The Chair wishes to state that it is not the function of this committee to settle strikes. Even if the strike were settled the duty of this committee would still remain to inquire into improper practices in labor-management relations.

This committee cannot act officially in this capacity. If this committee or any member of it, or any two or more members of it, want to serve in a voluntary capacity with the consent of both parties involved here to try to settle the strike, that is perfectly all right. I wouldn't refuse to serve, if I could render a public service. But I would not be serving as a member of this committee.

Senator Ives. Will the chairman yield on that? I am involved in this from what I had to say. I was not referring to the committee serving in that capacity. What I was saying in my statement was for myself only.

The Chairman. I was making this statement for the record to make the Chairman's position clear with respect to it.

Senator Kennedy. Mr. Chairman, the only point I want to make is I am not saying that we should do it, but I am saying that it would

be beneficial in the course of this hearing, along with our investigation of improper practices, if this very bitter struggle could be brought to an end. I think it would be beneficial to everyone and the country. I am not saying that this is the group that should serve it, but the suggestion has been made that the Secretary or the Conciliation and Mediation Service could be the arbiter of the dispute. I would like to know if that being true, if the union would accept that, if the company would accept that. That is a perfectly legitimate request. I would like to know if it would be possible for Mr. Conger to indicate yes or no whether he would be willing to accept arbitration, by any of the groups that have been suggested, in this dispute.

The CHAIRMAN. Is Mr. Conger present?

Mr. Conger, you are at liberty to make a statement if you desire. The Chair is not insisting that you make one. It is not our function to try to settle the strike, but if it could be settled, I think it would be a great service to all the people involved. That is all I am going to say. If you care to make a statement, you may do so.

Mr. CONGER. Thank you, sir, and I want to go far enough to explain our position in this fully, if I may, now that the question has been raised. In the first place, I would probably pose this question, which I realize that no one can answer. That is whether, if we were to accept such a proposal, that would mean that this committee would lose its interest in the things that have happened out at Kohler. There are some fine American citizens out there that have been deprived of their rights over many, many months, and we think now that the American public is becoming apprised of that fact.

It is a little late in the day to come in and say "Well, let's get this out and brush this dirt under the table."

As far as the aribitration goes, in the first place let me say to you, gentlemen, that despite the many statements to the contrary by the union, we have never refused mediation. We have not refused to meet with the Federal Mediation and Conciliation Service any time that they requested it.

We have had State mediators in on this. We have had clergymen in on it. And with our consent as well as the consent of the union. We do, however, take this position: We agreed to arbitration in our contract, the contract we had with the UAW–CIO. We were willing to agree to arbitration in the next contract, arbitration of the interpretation and application of the terms of the contract.

But what we have refused to do, and what I think 99 percent of industry in the State and in the country refuses to do, is to have an arbitrator write the terms of a contract, to come in and say "Here is a contract, under which you must live."

We have the responsibilty for operating the plant out there, for keeping it going, as a vehicle to provide employment for men, continuous steady employment, at good wages. As long as we have that responsibility, we believe that we must have something to say about what goes into our labor contract, just as well as into our material contracts, our sales contracts, or any other type of contract that we might make.

Reference has been made, and the comparison has been made, to an arbitrator and a judge. Gentlemen, we are willing to give an arbitrator all the power that a judge of a court of law would have, the

power to decide whether we have made a contract; if we have made one, what that contract means, and whether or not we have violated it.

But a judge of a court of law would not have a right to write a contract for us, and we do not believe that an arbitrator should have.

Senator KENNEDY. Then, Mr. Conger, the answer is no?

Mr. CONGER. The answer to arbitration of the terms of the contract by anyone, and it is not a question of the individual or personality concerned. I have the highest respect for many of the gentlemen that have been suggested as possible arbitrators. But, gentlemen, I am quite sure that they do not have too much knowledge about the problems of making bathtubs. Many of those gentlemen, I will agree, are my superiors and our superiors in intelligence and general knowledge. But we have had the problem of making bathtubs now for over three-quarters of a century. We believe some of the problems that are involved in them we know peculiarly, and, gentlemen, they are different from the problems of making automobiles or making anything else of the type, and it doesn't follow the contract that is perfectly satisfactory in the automobile industry will fit the bathtub industry.

Senator KENNEDY. Then, Mr. Conger, the answer is no?

Mr. CONGER. The answer is, Senator Kennedy, that any time the Federal Mediation Service or any other mediation service that is qualified and competent, and that we believe will do a job, asks us to sit down with mediators, we will sit down with them. The answer to compulsory arbitration of the terms of a contract, that would be no.

Senator KENNEDY. Thank you.

The CHAIRMAN. The witness has concluded his summary statement.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. The witness is now subject to interrogation.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Mr. Mazey, does your union customarily offer to agree to arbitrate a dispute, particularly about the terms and conditions of a contract?

Mr. MAZEY. Well, Senator Goldwater, our union has, on numerous occasions, offered to arbitrate disputes and contracts.

I can recall during the lengthy dispute we had with the General Motors Corp. in 1945–46, we were agreeable to factfinding, we were agreeable to arbitrate the matters in dispute in that situation.

The suggestion here is not to arbitrate all the terms of the contract, because there are some matters that we have already agreed to. There were 7 basic issues in dispute. It is really these issues that are to be arbitrated, not the entire terms of the contract.

Senator GOLDWATER. Mr. Mazey, you said you have done this before. Would you supply the committee with a list of the cases that you have agreed to arbitrate, and which have been arbitrated, where the terms of the contract were arbitrated?

Mr. MAZEY. Senator Goldwater, you misunderstood me.

Senator GOLDWATER. No, I didn't misunderstand you a bit. You said you had done it before.

Mr. MAZEY. I said we had offered to arbitrate, but managements have turned this down.

Senator GOLDWATER. Then will you present us with a list of the cases where you have offered?

Mr. MAZEY. Yes, I will be very glad to do that, Senator.

Senator GOLDWATER. I will be frank to tell you that in testimony I have heard your organization give before the Labor and Public Welfare Committee, you have fought violently against this type of procedure. I think it is a wrong procedure, and I think you will agree with me.

Mr. MAZEY. Senator Goldwater, I would like to amplify our position on this matter. At the point that the union and the company find it impossible or difficult to arrive at a decision, it seems to me that both parties ought to be willing to let a public body or an impartial person review the facts and make an intelligent decision on the matters in dispute.

The only alternative to that is jungle warfare, and we don't want jungle warfare.

We think arbitration is a sensible, a democratic means of resolving issues of this type. We have agreed to arbitration as far back as July of 1954. This is not a new proposal.

Senator GOLDWATER. Mr. Mazey, just to close this up, I was, frankly, rather violently surprised to hear you offer this in view of the fact that your union has been specific in its objections to this type of procedure in writing contracts.

It is a new departure for me to hear you say this.

Mr. MAZEY. Senator Goldwater, I am not talking about compulsory arbitration. This is voluntary arbitration on both parties. Most of our collective-bargaining agreements we are able to reach without the loss of a single minute's work. I might point out that in our relationship with the General Motors Corp., which is the largest corporation in the world, we have 350,000 members in that corporation. Our last difficulty with that company was in 1945–46. We negotiated a contract in 1947 and there wasn't a single minute lost. We negotiated a contract in 1948 and there wasn't a single minute lost. We negotiated a contract in 1950 and 1955——

Senator GOLDWATER. I realize all of that. You don't have to go into past history. I am just saying to you that it is rather surprising to hear the UAW now offering to subject itself to arbitration to the terms of the contract.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. Mr. Mazey, you said the other day when Mr. Rauh and I were having our daily discussion of the medical history of a certain case involved, and I said you could relax, that you were not involved, you said that everything that the UAW does involves you. So I presume that from that, that you are involved in one way or another in the boycott activities of the UAW in connection with Kohler Co. products. Is that correct?

Mr. MAZEY. Yes, I am, Senator.

Senator MUNDT. And may I ask whether the union has some phrase that defines that, so that I will use the proper term?

Do you call that a secondary boycott, a consumer boycott, a primary boycott of consumer products, or, can we just use the word "boycott"?

Mr. MAZEY. If the Senator will permit, I would like to explain the purpose of our boycott and then it might save some questions.

Senator MUNDT. I will not deny you the opportunity but first I want to know what you call it.

Mr. MAZEY. It is a primary boycott. It is a consumer's boycott. We are trying to convince the public not to buy Kohler products.

Senator MUNDT. Do you have a statement you want to read?

Mr. MAZEY. I made some notes on this subject, and I wanted to point out that the reason we have the boycott is to try to create economic pressure in order to secure economic and social justice at the bargaining table. That is the purpose of the boycott. It is a legal primary boycott to convince the consumers not to buy the scab-made and strikebreaker-made Kohler products.

Senator MUNDT. Are you in charge of the boycott activities directly, or is there some other member of the UAW who has that specific responsibility?

Mr. MAZEY. Well, I have some responsibility, Senator. The boycott is an official action of the union. I have some direction of it. One of my administrative assistants gives daily direction to the boycott program.

Senator MUNDT. What is his name?

Mr. MAZEY. His name is Don Rand, R-a-n-d.

Senator MUNDT. He is the same Mr. Rand who was with you at Sheboygan?

Mr. MAZEY. Yes. Mr. Rand was in the negotiations of the contract in 1954, as was Mr. Ferrazza at the time the strike began.

Senator MUNDT. It is an official policy, you say, of the CIO——

Mr. MAZEY. Of the UAW, sir.

Senator MUNDT. Of the UAW—and passed on by the membership or by the board or by whom?

Mr. MAZEY. The membership of the local, I believe, took some action some time back. The executive board of our union took some action on this matter.

Senator MUNDT. The executive board of the international?

Mr. MAZEY. Of the international union, yes.

Senator MUNDT. Does Mr. Reuther have some responsibilities in this field?

Mr. MAZEY. Yes. Mr. Reuther shares my views on the boycott completely and he is a part of this decision.

Senator MUNDT. Would you tell me what directions you have given to various UAW locals in pursuance of the boycott, how they should do it?

Mr. MAZEY. The only direction, the basic direction, is to try to convince people not to purchase Kohler products. We have done that in a number of ways.

Senator MUNDT. I was interested in the methods that you employ.

Mr. MAZEY. At the point that we know that a new building is going up, we try to talk to the prospective owner of the building, we try to talk to the contractor, we try to convince them to recommend union-made products, such as Crane and American Standard and Briggs and Eljer and others.

We try to explain our problem here, and the reasons why this ought to be done. We try to convince architects of this matter. We have carried on—we have adopted resolutions at State and national conventions. We generally try to convince people of the justice of our case, and ask them to aid us in our cause by not purchasing scab-made products.

Senator MUNDT. To me, the term boycott implies something a little more than that. I would say that what you are talking about now is a sort of an effort to educate people not to buy Kohler products and to try to dissuade them, by talking with them, from using them.

Do you do anything else to try to educate the public not to buy them and try to dissuade contractors from using them?

Mr. MAZEY. That is all we are doing, Senator. Everything we are doing in the boycott is legal. We are not carrying on any illegal activities in the boycott.

Senator MUNDT. May I ask you this direct question: Have you done anything else besides trying to educate the public not to utilize Kohler products during the strike, or trying to dissuade architects and employers from using them in new construction?

Mr. MAZEY. We have not, sir.

Senator MUNDT. That is the extent of your activity?

Mr. MAZEY. That is right.

Senator MUNDT. Are you speaking now for Emil Mazey, are you speaking for the UAW in Detroit, or are you speaking for the whole family of UAW alone?

Mr. MAZEY. I am speaking for Emil Mazey, and I am speaking for the UAW, the international union.

Senator MUNDT. How about your individual locals? Have they employed any other methods?

Mr. MAZEY. Not to my knowledge, sir.

Senator MUNDT. As far as you know, they have not?

Mr. MAZEY. That is right, sir.

Senator MUNDT. Let me ask you again, because I want to be very clear and very concise. I don't want you to say after a while that this is a hostile question, because I am asking it in just as friendly a fashion as I can.

I am not trying to upset you. You are testifying under oath. That is an ordeal for all of us. I have been before other committees testifying under oath, so I understand it. To the best of your knowledge, you know of no other tactics or methods or devices employed, either by the international UAW or by Emil Mazey or by Walter Reuther or by local chapters, or locals, other than what you have described?

Mr. MAZEY. Senator, just so we can understand these terms and definitions, the labor movement is broader than the UAW. It is broader than the international union, it is broader than the locals.

Senator MUNDT. Yes, but you can't be responsible outside of the field of the UAW–CIO.

Mr. MAZEY. There are councils of both of the AFL and CIO, and in most cases we have joint councils. And individual citizens have taken action on occasion. We, of course, cannot be responsible for those actions.

There have been three instances, one in Milwaukee, in which we agree to a consent statement that we have not violated the law and we are not engaged in a secondary boycott.

Senator MUNDT. Would you say that again? There was a lot of confusion in the room. What happened in Milwaukee.

Mr. MAZEY. In Milwaukee in August 1955, there was an NLRB statement, a stipulation, in which our attorneys took part, in which we said that we were engaged in a legal boycott and would not do anything illegally.

If I may, I would like to read this statement we made at that time, which I think explains our whole position in this matter. It is a short statement.

(At this point, Senator Ives withdrew from the hearing room.)

Senator MUNDT. Go ahead.

Mr. MAZEY. This is a statement issued by Harold Cranefield, our general counsel, on August 23, 1955:

> In the NLRB hearings in Sheboygan, where numerous unfair labor practice charges were filed against the Kohler Co., this matter is of greater importance than the action brought against the UAW–CIO by an importer of clay for the Kohler Co.
>
> If the UAW–CIO contested this action, the inevitable result would be to delay the hearings at Sheboygan and so that the Kohler Co. attorneys could participate in the proceedings which would result.
>
> The goal of the UAW–CIO is not punitive action against anyone, but the sole concern of the union is in securing a speedy and equitable end to the Kohler strike. The hearing in Sheboygan has been going on for more than 2 months. The Kohler Co. has just begun to present its defense. Since the hearing in Sheboygan can materially affect the outcome of the strike, the matter in Milwaukee is of subordinate importance.
>
> For the above reasons, the UAW–CIO International Union has stipulated that it will abide by the terms of the Taft-Hartley Act. We do not believe that we have violated any provisions of the Taft-Hartley Act, including those provisions relating to secondary boycotts. But we do not propose to delay the case against Kohler merely to defend ourselves against an unfounded charge when the only order which the NLRB could enter against us in any event would be that we should obey the law.
>
> We have obeyed the law and intend to continue doing so. It is only logical that we should stipulate in court that we will continue to do so.

Now, this statement, Senator, was made on August 23, 1955, and it was our position then and it is still our position today.

Senator MUNDT. You wanted to mention three cases, and that is one.

Mr. MAZEY. In Los Angeles County, Calif., there was a matter which I think was known as the Hardschoen injunction, and there was an NLRB stipulation out there that is similar to this.

The matter involved, Senator, was a matter of free speech picketing of a dealer of plumbing, and we weren't attempting in any way to stop the employees of the dealer from their work. We were merely expressing our views by picketing as a matter of one way of expressing our views that Kohler was on strike.

Senator MUNDT. What kind of picketing was this? Was it a picket line saying, "Don't buy from this dealer because he is unfair to labor?" or just one of these cheek-to-jowl pickets through which people could not walk?

Mr. MAZEY. I believe there was 1 picket or maybe 2 pickets at this particular establishment. We did not boycott the dealer, and we merely had a sign saying that the Kohler products were unfair.

At this point, the only matter involved was the question of free speech picketing and when the matter was raised, we agreed we would end it.

Senator MUNDT. Did the NLRB hold that that kind of picketing was illegal?

Mr. MAZEY. No. There was no decision by the NLRB and our attorneys, under my direction, stipulated that the question was raised and I said if there is any——

Senator MUNDT. You would cease and desist?

Mr. MAZEY. There was no cease and desist, sir. It was a stipulation.

Senator MUNDT. You agreed to cease and desist?

Mr. MAZEY. We agreed to obey the law, and we agreed that although we did not think we were violating the law, we would remove our pickets, and we did.

Senator MUNDT. And my question was: Was the position of the NLRB—and I am not asking whether the position is right or wrong, or whether you were right or wrong—but was the position of the NLRB that that type of picketing was illegal?

Mr. MAZEY. I don't believe they had a position on it, sir.

Senator MUNDT. Why would they be injecting themselves into it?

Mr. MAZEY. Well, the matter that happened was, as I recall the incident, and I haven't looked it up recently, as I recall the Hardschoen matter. This company went to the NLRB accusing us of violation of Taft-Hartley on secondary boycott. At this point, without getting into a lengthy hearing and getting ourselves all tied up, we said that we did not agree that we are involved in a secondary boycott, but if there is any question about it, we will remove our pickets, and we did.

Senator MUNDT. Then, it would seem to me that you could answer affirmatively my question. There is no place to button it down but this must have been the position of the NLRB, that you were engaged in something that was illegal.

I am not saying that you were, and you withdrew and nothing happened, but I am trying to find out what it was and why the NLRB entered into the picture.

Mr. MAZEY. Excuse me a moment. I would like to consult counsel.

(Witness conferred with his counsel.)

Mr. MAZEY. I am advised that there is a great deal of confusion on this particular subject matter, as far as NLRB decisions are concerned.

Senator MUNDT. As I understand, they didn't make a decision in this case?

Mr. MAZEY. No.

Senator MUNDT. I am trying to find out why they are out there spending taxpayers' money, and they must have had some reason to go. Were they out there contending you weren't doing illegal picketing?

Mr. MAZEY. I suppose the answer is if some employer charges us with a violation of Taft-Hartley, the NLRB would at least have to make an investigation of the matter.

In each and every case where that has been brought to our attention, we have not quarreled with the matter, and we have bent over backwards not to get into a dispute on this question.

Senator MUNDT. I am not going to pursue your conduct in the Los Angeles County incident that you mentioned beyond the point of trying to find out what the position of the NLRB was, but your attitude was on not what happened, because nothing happened, and they said "Don't do it" as I understand it, "or you'll get in trouble," and you said "We don't want trouble and we aren't going to do it any more." Isn't that right?

Mr. MAZEY. I don't know what their position is. I think that they brought it to our attention and they were in the process of investigating.

Senator MUNDT. Maybe you are skittish about the word "illegal," and let me rephrase the question.

Mr. Mazey. I am not skittish about it.

Senator Mundt. Well, you are skittish about something because I am not getting a very responsive answer.

Was the position of the NLRB that you should discontinue this kind of picketing or they would have to take some kind of action?

Mr. Mazey. I think we may have a stipulation that was reached there, Senator, in a courtroom here, and I think the record would probably speak for itself.

Senator Mundt. All right.

Mr. Rauh. I am advised, Senator Mundt, that the NLRB did not file a complaint in that particular case, sir, and that these are very complicated legal problems, the whole boycott problem.

There are court decisions conflicting with Labor Board decisions, and Labor Board decisions changing it. I would be happy to provide the committee with a legal memorandum on these three cases, and with the present state of the law as it involves these cases.

Some of the boycott problems are so complicated that I think when you ask the questions, "Did the NLRB have a position on this?" the answer is, "Well, you have to look at several different cases to see what their role is." It is not an easy question.

Senator Mundt. It is acceptable to me, if it is acceptable to the Chair, to have what you are talking about, the legal presentations and the answer, and the law involved submitted as an exhibit and filed with the committee.

The Chairman. You may file it with the committee, at your pleasure.

Mr. Rauh. We will do that, and we will try to have it ready next week.

The Chairman. It is not evidence. It is simply an exhibit for reference, as to legal aspects of the problem.

Senator Mundt. Mr. Mazey said there were three times that you deviated from your established practice of limiting boycotting to educating the public, and, No. 2, dissuading individual contractors and architects from purchasing and utilizing Kohler products. What was the third time?

Mr. Mazey. That isn't what I said, Senator. I didn't say we deviated at all. I merely said there were three instances in which there was a question as to whether our conduct was proper or not.

Senator Mundt. Then let me say this: You were going to have three exceptions, because somebody some place thought you deviated; is that right?

Mr. Mazey. Yes, I believe they did, but we are not admitting that there was any deviation, and I don't think that there was.

Senator Mundt. All right.

Mr. Mazey. On the third matter, and the reason I asked for your definition as to what you meant by "union," there was a matter of the Jackson Link Co., in Jackson, Mich. The Jackson CIO Industrial Union Council, and there are a number of UAW locals in that council, carried on some kind of free-speech-picketing activity of this particular concern.

Here again, if my memory serves me correctly, there was a stipulation that we would cease our picketing.

Senator MUNDT. Would you mind giving this countryboy from South Dakota a definition of what is a "free-speech picket"? That is a phrase I don't quite comprehend.

Mr. MAZEY. Well, we have had all kinds of pickets, Senator, pickets in front of the White House, in which people were expressing their views.

Senator MUNDT. UAW has done that?

Mr. MAZEY. No; the UAW hasn't, but there have been a lot of people who have, and they have a legal right to do it. That is what I mean by a free-speech picketing.

Senator MUNDT. You used that phrase to distinguish that kind of picketing from what other kind, let up put it that way?

Mr. MAZEY. The Supreme Court has held in a number of decisions on the question of free-speech picketing, and we have an expert in the matter of civil liberties sitting right with me at this table, and that, I am sure, could speak on this question.

Senator MUNDT. You mean in his capacity as president of the ADA, or in his capacity as counsel?

Mr. MAZEY. Well, he can speak for himself, Senator, and I don't have to speak for him.

Senator MUNDT. You are qualifying him as a witness and I am not sure I want to call him. But he gets in quite often without being called. I wondered how you qualified him.

Mr. MAZEY. He makes a very good witness.

Senator MUNDT. There is no question about it.

Mr. MAZEY. And he has done a good job before the Supreme Court in defending the rights of citizens on matters of civil liberties.

The Constitution guarantees the right of free speech, and free press, and picketing is both an expression of free speech and free press.

Senator MUNDT. Now, you have those three cases, and they are going to be submitted by your expert, and your counsel and we are going to accept those as exhibits.

Now, are there any other times to the best of your knowledge as the secretary of the UAW, in these many years, are there any other instances in which you have deviated from the two types of boycott that we now have before us?

One is to educate the public, not by, I suppose you would call it, free-speech picket line, coming into that category; and the other is to dissuade a contractor or an architect from utilizing the products, and I suppose that is done by representative of the UAW going to Joe Jones, who is a contractor, and saying, "Look, we would rather you would not use this stuff, it is made in a factory which is being struck, and we would rather have you use something else."

Are there any other instances?

Mr. MAZEY. Not to my knowledge.

Senator MUNDT. Has the NLRB General Counsel issued a complaint against your present Kohler boycott?

Mr. MAZEY. They have not.

Senator MUNDT. They have not?

Mr. MAZEY. No.

Senator MUNDT. Do you know the paper, the Kohlerian?

Mr. MAZEY. That name has been changed, and it is a hangover from the old company union at Kohler, and it is Kohlerian, and it is now called the Reporter.

Senator MUNDT. You did not like that name, if you changed it. However, while it was called the Kohlerian, in 1956, it was the official weekly organ of local 833, UAW, AFL–CIO?

Mr. MAZEY. Yes; it was.

Senator MUNDT. Can you see from where you sit, this headline in your official paper which says, "State CIO Board Vows No Community Chest Money for Scab Ware." That is the headline.

Mr. MAZEY. Give me a chance to get my bifocals set here.

Yes; I see that now.

Senator MUNDT. And the article points out that the Wisconsin State CIO board made it clear this week that money contributed by union members throughout the State would not be used to buy scab-made Kohler plumbing products.

You were going to withhold any contributions to community chests that patronized institutions using Kohler products. Isn't that going beyond education or dissuades?

Mr. MAZEY. I don't think it is Senator. Our union and the labor movement generally contributes hundreds of millions of dollars yearly to community chests. I serve on the community chest in Detroit, and I work hard to help raise money to take care of the needs of the people through various community agencies. I don't see anything wrong with hard-earned good union dollars, urging that the good union dollars ought to be used to buy good union products.

Senator MUNDT. So I can identify the issue, I guess I did not tell you, it is January 13, 1956.

Mr. MAZEY. That was action by a counsel and that was not the UAW action, sir.

Senator MUNDT. Well, it says here, it is the Wisconsin State CIO.

Mr. MAZEY. Well, the UAW is not the State CIO in Wisconsin. Our locals in Wisconsin are part of the council.

Senator MUNDT. They are affiliated with it?

Mr. MAZEY. Our locals are in Wisconsin.

Senator MUNDT. And they are voting members of it?

Mr. MAZEY. Yes, sir.

Senator MUNDT. Now, apparently some of the other laboring organizations did not feel that way about it, because Mr. Haberman, head of WSEL, which I understand is State Federation of Labor, AFL, indicates his group would not go along with such a sweeping policy as the CIO action.

Mr. MAZEY. Well, Senator, I don't want to quarrel with Mr. Haberman at this hearing. This is a family matter and I think we ought to settle it inside of our family.

Senator MUNDT. Well, I am a little bit more persuaded that Haberman's approach to this is a little bit more public spirited than yourself, because it seems to me that trying to boycott a community chest is going a long ways away from educating the public or from dissuading a contractor.

If you think Mr. Haberman's attitude is wrong, and yours is defensible, I think this is a good place to tell us why.

Mr. MAZEY. I think all the CIO council was attempting to do was to have a voice in how its own contributions were going to be spent. I don't see anything wrong with that.

Senator MUNDT. This was 1956. Now, by 1958, this policy, like all bad policies, gets worse. By 1958, we changed the scene from Wisconsin, where the strike was, to Minnesota, in the city of Duluth and I am going to read you now an AP story from the March 2, 1958, issue of the Minneapolis Sunday Tribune.

Duluth AFL–CIO snubs chest over hospital bar.

I will read that again because that is kind of a bad work, I think, to have attached to your organization.

Duluth AFL-CIO snubs chest over hospital buying.

That is Duluth, Minnesota Associated Press.

The Duluth AFL-CIO central labor body has voted to withhold its support from the Duluth Community Chest in the future unless St. Mary's hospital is dropped as a chest agency.

Now we are not only boycotting a community chest, but we are boycotting a hospital, and neither one of which I find in these twin procedures of yours, educating the public, or dissuading the individual contractor.

I read on:

The action was taken after hospital officials rejected a request from the labor body to rescind a contract calling for use of $7,000 worth of plumbing fixtures from the strike-bound Kohler Co., Kohler, Wis., in a hospital remodeling project.

Do you really think that is a commendable or even a defensible use of the political authority and power of organized labor?

Mr. MAZEY. Senator to begin this, no, this is not political authority. To begin with, these chest contributions are on a voluntary basis and no one is compelled to make them.

Senator MUNDT. I quite agree.

Mr. MAZEY. Although we work awfully hard to get people to make contributions, and I am not responsible for the way the headline of that story was written, and I did not write the story on "Duluth Snubs Chest."

(At this point, the following members were present: Senator McClellan, Ervin, McNamara, Mundt, Curtis and Goldwater.)

Senator MUNDT. No, but your practices and policies gave rise to a condition which induced some newspaperman to put that kind of headline on it. So we will not concern ourselves about the headline any more, but about what actually are the——

Mr. MAZEY. This is not our practice. I have no control over this council. I have no influence with it. I know nothing of their actions.

Senator MUNDT. Do you condemn it?

Mr. MAZEY. No, I don't. I think they have a right to spend their money——

Senator MUNDT. Do you approve it?

Mr. MAZEY. Yes. I think they have a right to spend their money the way they want to.

Senator MUNDT. Then as an official policy, as the second highest ranking member of the UAW–CIO, you approve it, but you had nothing to do with establishing it.

Mr. MAZEY. I am saying that they have a right to make their own decisions, their own policy, and when they reach into their pockets and voluntarily make a contribution to community chest, I think they have a right to decide how that money should be spent.

Senator MUNDT. And you approve of this way that they have done it?

Mr. MAZEY. I expressed my point.

Senator MUNDT (reading):

A spokesman for the hospital Friday night called the action taken by the labor body unfair.

I would certainly say it was indefensible.

Sister Mary Bell, administrator of the hospital, said the labor objection was not raised until after the contract had been placed.

I don't know whether that is correct or not, and I don't suppose you do, because this was a local situation. So we just put that in as a statement from a newspaper.

She described as highly unethical a labor offer to make up the difference between the low bid and the next lowest if the hospital will use another company's plumbing fixtures.

I point this out, and I am going in to boycott at a considerably greater length as we proceed with these hearings, Mr. Mazey, and I do not deny that labor has to have some kind of a weapon to fight its battles.

When you talk about a free speech picket maybe it is illegal, I don't know. Maybe it is not illegal. But it seems that is in an altogether different category than that. A free speech picket is an effort to educate the public. There is no question about that.

If you are going to have a boycott, you have to tell people why it is there. I can't get too excited about a legitimate representative of your union going to a contractor and saying "Look, you are using strikebound products and we are against it, and we wish you wouldn't do it."

Those two twin procedures, to me, are in an altogether different category from boycotting a hospital, boycotting a community chest, making it difficult for communities to build hospitals to take care of the ills of a community.

That, it seems to me, is carrying labor warfare into the jungle area that you say you don't like.

Do you disagree?

Mr. MAZEY. Senator, you have a right to your position on this matter. I think we have a right to try to convince the general public that they shouldn't purchase Kohler products, and that is the primary purpose of our boycott.

Senator MUNDT. At another time I am going into some other elements of this boycott, Mr. Chairman, but I am so saddened by the witness' attitude on this one that at the moment I don't want to pursue it any further.

The CHAIRMAN. Are there any other questions?

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Mr. Mazey, let's get back to the strike at Kohler.

Mr. MAZEY. I hope we get it settled, Senator, this morning, so we don't have to get back to it.

Senator GOLDWATER. Do you know Dan Preston?

Mr. MAZEY. Yes, I do.

Senator GOLDWATER. Was he ever arrested?

Mr. MAZEY. I don't know.

Senator GOLDWATER. He was fined $10 for refusing to comply with the police officers' order.

Do you know who defended him?

Mr. MAZEY. I believe that everybody who was arrested for strike activity in Sheboygan in the Kohler strike was defended by our legal counsel, Dave Rabinowitz.

Senator GOLDWATER. Who paid Mr. Rabinowitz' fees?

Mr. MAZEY. The international union.

Senator GOLDWATER. Who paid the fine and costs?

Mr. MAZEY. If there were fines and costs they were also paid by the union.

Senator GOLDWATER. Do you know Joseph Burns?

Mr. MAZEY. Yes, I do.

Joseph Burns was a member of my staff. I assigned him to the city of Sheboygan for the purpose of handling the strike assistance program.

Senator GOLDWATER. Was he ever arrested?

Mr. MAZEY. I believe he was.

Senator GOLDWATER. He was. He was found guilty of disorderly conduct. Would your same answer to who defended him stand in this case?

Mr. MAZEY. Yes. I am willing to stipulate, I believe in all of these cases, that our attorney, Dave Rabinowitz, defended the people. I am also willing to stipulate that if there were any fines and penalties, we paid the fines and penalties.

Senator GOLDWATER. Who paid his fine and cost?

Mr. MAZEY. I have already said, sir, that we did, the international union.

(At this point, Senator Kennedy entered the hearing room.)

Senator GOLDWATER. I do not think it was established yesterday, but was William Vinson ever arrested on the picket line?

Mr. MAZEY. I think he testified yesterday that he was.

Senator GOLDWATER. He was. He was found guilty of disorderly conduct and the use of force and coercion. Who defended him?

Mr. MAZEY. I believe Dave Rabinowitz.

Senator GOLDWATER. Who paid his fine and cost?

Mr. MAZEY. If there were fines and costs, Senator, they were paid by the union.

(At this point, Senator Mundt withdrew from the hearing room.)

Senator GOLDWATER. We established yesterday that William Vinson was arrested for his part in the Van Ouwerkerk incident. Who defended him?

Mr. MAZEY. He was defended by Dave Rabinowitz.

Senator GOLDWATER. Who paid the lawyer fees?

Mr. MAZEY. The international union.

Senator GOLDWATER. Do you know Frank Schroeder, Charles Wirtz, William Rettela, and Douglas Strebe?

Mr. MAZEY. I think I know Frank Schroeder. I am not sure of the others. I may have met them. I might know them by sight, but their names don't ring a bell.

Senator GOLDWATER. You say you knew which one?

Mr. MAZEY. Frank Schroeder.

Senator GOLDWATER. You didn't know the others?

Mr. MAZEY. I am not saying that I didn't know them. I said I may know them by sight. I know a lot of Kohler workers by sight but not by name.

Senator GOLDWATER. Was Franklin Schroeder arrested——

Mr. MAZEY. I believe he was.

Senator GOLDWATER. For assault on a nonstriker. Who put up the bail bond for him?

Mr. MAZEY. If there was a bailbond, I am sure we put it up.

Senator GOLDWATER. Who defended him?

Mr. MAZEY. I am sure our attorney defended him, Dave Rabinowitz.

Senator GOLDWATER. Who paid the attorney's fees?

Mr. MAZEY. If there were attorney fees to be paid, I probably wrote the check for them.

Senator GOLDWATER. You established that the international paid the costs incurred in these various arrests that I have discussed here?

Mr. MAZEY. I am willing to stipulate that we paid for all the costs for any arrests, any legal fees, that may have occurred during the Kohler strike.

Senator GOLDWATER. Is or was Jess Ferrazza your administrative assistant?

Mr. MAZEY. Jess Ferrazza is and was my administrative assistant. He was in Sheboygan assisting in negotiations before the strike began, and he continued to stay there hoping negotiations would continue.

Senator GOLDWATER. Was he arrested on the picket line?

Mr. MAZEY. Yes, I believe he was, but I am not sure.

Senator GOLDWATER. You are not sure about your own administrative assistant being arrested? If mine ever gets arrested, I will know about it.

Mr. MAZEY. His activities are confined to those quarters. There were a lot of people involved.

Senator GOLDWATER. Who paid his court costs?

Mr. MAZEY. If he was arrested and there were any court costs to be paid, the international union paid them.

Senator GOLDWATER. Is it your international policy to pay sustenance to the families of convicted people, convicted members of your organization?

Mr. MAZEY. In the case of Vinson, we gave his widow—not his widow—his widow while he was in jail—while Bill Vinson was in jail, we gave his wife $50 a week, the local union gave, local 212, which happens to be my local, Senator, a local that I organized, also gave his wife $50 a week, and the way the matter was handled, the international union gave her a check of $100 a week, and every 3 months the local would reimburse the international union for its share of this obligation.

Senator GOLDWATER. Do you think that is a proper expenditure of union dues money?

Mr. MAZEY. Yes, I do, sir. In this particular case Vinson was in Sheboygan as a representative of local 212, which happens to have the Briggs Manufacturing Co. under contract, and which also makes plumbing ware, the local had an interest in the outcome and success of the strike. I feel that Vinson was a victim of Kohlerism. As a result of that, I felt we were obligated to do everything we could to provide for his wife and family while he was in jail.

Senator GOLDWATER. Yesterday Mr. Vinson in his testimony indicated that he didn't have any particular duties at Kohler, that he was just over there wandering around. He was sort of a morale builder. Because he didn't have any definite duties according to him, what responsibilities would your local feel toward him?

Mr. MAZEY. Well, the local union sent him up there to assist the local union in setting up its picket lines and so on. Apparently from Vinson's testimony nobody ever clearly told him what to do, and that is regrettable.

If I had known that he didn't know what to do, I think I might have given him some advice myself. But the facts are that the reason the local sent four people into Sheboygan was that there was a great deal of fear in the community.

Everybody remembered the massacre of the 1934 strike. They were there basically to let them know they weren't fighting by themselves.

Senator GOLDWATER. Yesterday, I may be wrong on the number, I think Vinson named five people who came to Kohler from your local.

Why did you ask for these particular five?

Mr. MAZEY. Senator, I didn't ask for any particular five. If I am permitted, I would like to tell you who the people were from Detroit and Sheboygan. I think it will help clarify this whole matter. I believe I spoke to the president of my local who at that time was Ken Morris, after I had been on the picket line and made a speech in front of the picket line at Kohler. During the course of our discussion the question came up of giving these people the boost, and giving them some morale and letting them know they weren't fighting by themselves.

The local president said he would send four people into Sheboygan. I had nothing to do with the selection of the four. I didn't know who he was going to send. I didn't make any suggestions. This was his decision. The four people that appeared in Sheboygan from the local union were Bill Vinson, John Gunaca, Boyce Rand, and Conner.

All four of these people are members of the union, they are workers in the shop, they have families, they are veterans—I think all but one is a veteran—they have no jail records, they are not goons, they are not thugs. They weren't sent into Sheboygan to push anybody around. They were there to help boost the morale of the people. Jimmie Fiore, who is also a member of local 212, operated the local union sound truck in Sheboygan, and I believe the international union paid his salary. We made him an international representative while he was in Sheboygan.

We had another member from Detroit from the Chrysler local No. 7, Guy Barber, and Guy Barber brought Chrysler local No. 7 truck into Sheboygan for the purpose of maintaining contact and playing music on the picket lines and so on.

His services were paid by the international union. The other so-called outsiders from Detroit that were there include myself, and when I was there I made several speeches during the course of the strike. I took part in 19 negotiating sessions at various times during the course of the strike.

Don Rand, who was my administrative assistant at the time the strike began, was a member of our skilled trades department, and he had taken part in negotiations on skilled trade matters. He continued to stay in Sheboygan, hoping negotiations would reopen. Jess Fer-

razza, who is my administrative assistant, and who has been for a number of years, was also there for purposes of negotiations, and he was hoping that negotiations would continue.

I have already explained that the other person who came from Detroit, Joseph Burns, was a member of the community service staff which I direct, and he was there at my direction, working out the strike aid program that we had for the Kohler workers. These are all the people from Detroit. This is the full list.

Senator GOLDWATER. Thank you for the list.

At the time Mr. Gunaca was brought over, was he a shopworker?

Mr. MAZEY. I am not certain. I think he had been discharged, or the company had refused to reemploy him for overstaying a leave or something at that time.

His case was in a grievance procedure, I believe.

Senator GOLDWATER. How long before he came to Kohler did he leave the shop?

Mr. MAZEY. I don't know, sir.

Senator GOLDWATER. Could you find out and let us know?

Mr. MAZEY. I think so.

Senator GOLDWATER. Can we get it, get the answer now?

Mr. MAZEY. I have asked one of my assistants to make a note of this matter. We will find it as quickly as we can.

Senator GOLDWATER. When did Mr. Land leave Kohler?

Mr. MAZEY. I don't know, sir.

He was there a very short time. Rand and Conner, I think, were only there a couple of weeks.

Senator GOLDWATER. Did you know that there was a complaint against him for disorderly conduct?

Mr. MAZEY. I do not know that.

Senator GOLDWATER. You did not know it at the time?

Mr. MAZEY. I may have at the time. A lot of incidents have happened in 4 years. What I may have known 4 years ago and what I may know now may be 2 different things.

Senator GOLDWATER. Well, I think you realize now that of the 4 men you brought over or asked to be brought over from Detroit, 1 of them has served a sentence for a conviction involved in the strike, and 2 of them are fugitives from justice.

Mr. MAZEY. Senator, that is not a correct statement.

Senator GOLDWATER. How would you say it?

Mr. MAZEY. Who are the two that are fugitives from justice. Will you answer that, please?

Senator GOLDWATER. Mr. Gunaca and Mr. Land.

Mr. MAZEY. Land is not a fugitive from justice.

Senator GOLDWATER. That may be a technical point. I am not a lawyer and cannot argue it. But there was a complaint issued against him before he left Kohler.

Mr. MAZEY. He is not a fugitive from justice.

Senator GOLDWATER. We will not argue the point, but if someone issued a complaint against me and I beat it back to another State, I think I would be running away from it.

Mr. MAZEY. The complaint has never been served on him and has never been served on our attorney, and I have no knowledge of it.

Senator GOLDWATER. We will not argue the point.

Now, Mr. Mazey, in your prepared statement, you said that the Kohler Co. encouraged vandalism by subsidizing the injured parties.

If we assume this to be true, don't you agree that the expenditure of union dues for court costs, fines, attorney fees, and sustenance for convicted felons is, to say the least, the passive condonation of violence?

Mr. MAZEY. No, I don't think so, sir. We have been the victim of violence. I heard you make the statement the other day that there were 37 people killed in CIO strikes. I think you said UAW strikes.

Senator GOLDWATER. I specifically said they were not UAW strikes.

Mr. MAZEY. I have not seen your list, but if you will check that list I think you will find that all 37 people killed were strikers. They were not management people. They were not scabs. They were strikers. We are the victims of the violence. The president of our union, Walter Reuther has been a victim of violence. His brother has been a victim of violence. I have been threatened. I have had police guarding my home.

Senator GOLDWATER. Now, Mr. Mazey, let's leave the strike scene now for just a moment and get into another field that I think you know something about. What is the flower fund?

Mr. MAZEY. The flower fund?

Senator GOLDWATER. Yes.

Mr. MAZEY. Senator, we have the same kind of flower fund that you have, to enable us to get reelected.

Senator GOLDWATER. Before you say that, let's find out if you have or not. What is your flower fund?

Mr. MAZEY. A flower fund is a voluntary fund, voluntary contributions, that we use for purposes of aiding us in our elections and paying for hall rent, paying for balloons and literature, assisting local union officers and getting elected. It is the same as your campaign fund, sir, only we don't have anybody giving us $3,500 from California or from Texas.

Senator GOLDWATER. I didn't get that last remark. What was your last remark?

Mr. MAZEY. I said we don't have anybody giving us contributions of $3,500 from Texas or from California for our campaign fund.

Senator GOLDWATER. Well, you ought to do a better job of organizing out there.

Did you say the contributions to this fund are voluntary?

Mr. MAZEY. Yes; they are.

Senator GOLDWATER. What is the purpose of the fund? What do you use it for?

Mr. MAZEY. I told you. We have a democratic union, and in a democracy there are political groups, such as the Republican Party and Democratic Party. In our union there are caucuses—caucuses on the international level, caucuses on the local-union level, in order to conduct the affairs of the union in conducting elections. We don't think it is proper to use any of the dues money, the money of the union, in conducting these affairs. Therefore, we feel that our efforts and our ability to get reelected, the financing of those efforts ought to be done by our friends and our supporters and by ourselves with our own money. That is exactly what we do.

Senator GOLDWATER. Let's take a peek at that. You say it is to be used in elections. Let's say that John Smith, just to pull a name out of the air, wants to run against Emil Mazey. Could John Smith come to the flower fund and have his campaign financed the same as Emil Mazey?

Mr. MAZEY. No; because the fund doesn't belong to John Smith. If he was a member of an opposition caucus—we used to have a caucus that had some Communist influence—he would have to get his money from his own caucus.

They had to raise their own funds. When I was elected secretary-treasurer, I had opposition, sir.

Senator GOLDWATER. John Smith is a member of the union and pays his dues, and he wants to run against Emil Mazey for office. He has to go and dig up his own money, but you can dig into the flower fund; is that correct?

Mr. MAZEY. I don't dig into the funds of the union at all for my campaign. My friends and people who believe that Emil Mazey ought to be the secretary-treasurer of the UAW, make contributions to make my election possible.

Senator GOLDWATER. You said that the flower fund was used for the election of officers.

Mr. MAZEY. It is a caucus matter. You have your caucus and we have ours.

Senator GOLDWATER. Let's get this clear. You said that the flower fund in part was used for elections. I asked you if John Smith, a dues paying member, wanted to run against Emil Mazey, could he get money from the flower fund to do so, and you said "No."

Mr. MAZEY. If a Democrat wanted to run against you, could he go to your fund and ask for money to run against you?

Senator GOLDWATER. He can ask for it, but he would not get it.

Mr. MAZEY. Well, John Smith wouldn't get it either.

(At this point, Senator McClellan withdrew from the hearing room.)

Senator GOLDWATER. That is what I thought. Are there many of these flower funds?

Mr. MAZEY. Well, our union is a democratic union. There are politics in the organization.

I imagine there are hundreds of flower funds throughout the union,

Senator GOLDWATER. You are secretary-treasurer, of the union that has over a million men in it. How many locals?

Mr. MAZEY. There are 1,250 locals.

Senator GOLDWATER. How many flower funds exist?

Mr. MAZEY. I don't know.

Senator GOLDWATER. The secretary-treasurer doesn't know.

Mr. MAZEY. Do you think I am familiar with all the politics of every local union that we have, to know all of their groups?

Senator GOLDWATER. I am not talking about politics, Mr. Mazey. We are talking about a fund.

Mr. MAZEY. Every local union—maybe some locals have 3 or 4 caucuses. We have had some groups call themselves Lefties, Righties, Centeries, Wing Clippers, and I suppose all of these groups have their own funds, political action funds.

I have no knowledge of them. They are not union funds, not union accounts, and I have no responsibility for auditing their records or for knowing then what funds they have.

Senator GOLDWATER. Are they in cash?

Mr. MAZEY. If I don't have the responsibility for it, sir, how would I know whether it is cash or what?

Senator GOLDWATER. Which one do you know about?

Mr. MAZEY. I know about my own to some extent, although I don't handle it. The international officers have a fund.

Senator GOLDWATER. If you know about your own, could you tell us about how big that fund is?

Mr. MAZEY. I don't know at the moment.

Senator GOLDWATER. You don't know?

Mr. MAZEY. No. This is a matter——

Senator GOLDWATER. Could you take a guess?

Mr. MAZEY. No; I can't.

Senator GOLDWATER. Is it a lot of money?

Mr. MAZEY. I don't know. I am sure it is not as large as the $70,000 that you have, Senator.

Senator GOLDWATER. If you are running for election, maybe you ought to have that much.

Mr. MAZEY. I don't know how large it is, but I am sure it is less than that.

Senator GOLDWATER. How much is it?

Mr. MAZEY. I don't know.

Senator GOLDWATER. You are the secretary-treasurer of the UAW.

Mr. MAZEY. I don't handle the fund, so how would I know what it is?

Senator GOLDWATER. Are these funds in cash?

Mr. MAZEY. I don't know.

Senator GOLDWATER. Do you buy flowers with it?

Mr. MAZEY. Yes; we buy flowers.

Senator GOLDWATER. Do you buy a lot of flowers?

Mr. MAZEY. Yes. We buy a lot of flowers. We have a lot of people who get sick and people who are hospitalized.

Senator GOLDWATER. But you use the money for internal politics?

Mr. MAZEY. That is the purpose of it. We were able to defeat Communists that got control of some of our local unions by these funds. They raised their money and we raised ours.

Senator GOLDWATER. When do you run for reelection again?

Mr. MAZEY. 1959.

Senator GOLDWATER. 1959. You are not the least concerned now how much is in that kitty for 1959?

Mr. MAZEY. No. I think I am in pretty good political shape, Senator.

Senator GOLDWATER. Are you in good financial shape?

Mr. MAZEY. I am not a rich man. I am a worker.

Senator GOLDWATER. You know what I am talking about.

Mr. MAZEY. I get by.

Senator GOLDWATER. How much is in this fund, Mr. Mazey?

Mr. MAZEY. I don't know. I would be very glad to find out for you.

Senator GOLDWATER. Well, let's start looking. Have you got less than $1,000?

Mr. MAZEY. If I told you I didn't know, I wouldn't know if it was less or more than $1,000, would I?

Senator GOLDWATER. Have you got more than $10,000?

Mr. MAZEY. Senator Goldwater, to make it easy for you, we will find out exactly what we have in this international fund, and we will make a report to you.

Senator GOLDWATER. The last time you ran for election, how much was in that fund?

Mr. MAZEY. I don't know.

Senator GOLDWATER. You don't know, and you depended on it to some extent for your financing to run?

Mr. MAZEY. Senator, at the present time there is very little factionalism in our union. There is a great deal of unity among the leadership and rank and file members. I didn't have any opposition the last three times I ran for office. I have been elected by acclamation. I frankly don't have any political worries.

Senator GOLDWATER. You are a very fortunate man, but how much is in the fund? Are you saying under oath that you, as the secretary-treasurer of one of the world's biggest unions, and one of the world's richest unions, can't tell us how much of these flower funds exist in your organization or how much you have in your own organization?

Mr. MAZEY. Well, sir, I don't handle these funds. They are not part of the official records of the union, and, therefore, I have no way of knowing. I told you I would be willing to find out.

Senator GOLDWATER. Are they ever audited?

Mr. MAZEY. I don't know.

Senator GOLDWATER. You don't know?

Mr. MAZEY. No. I don't think they are.

Senator GOLDWATER. Is there any responsibility for these funds?

Mr. MAZEY. I have no responsibility for them.

Senator GOLDWATER. Are there any supporting vouchers to show the expenditures?

Mr. MAZEY. I assume—Senator, I am willing to get you a report on the international——

Senator GOLDWATER. Don't say assume. Mr. Mazey, you are secretary treasurer of one of the world's biggest unions.

Mr. MAZEY. That is right. Thanks for the advertising.

Senator GOLDWATER. If you were the president, I wouldn't expect you to know so much about it, but you are the secretary-treasurer, and the secretary-treasurer of my corporation better know wherever an account is and how much is in it.

Mr. MAZEY. This is not an account of the union. I don't know what is in this fund any more than I know what is in your fund.

Senator GOLDWATER. Let me ask you again: How are these funds raised?

Mr. MAZEY. They are voluntary contributions.

Senator GOLDWATER. Voluntary contributions?

Mr. MAZEY. I think you will find that our union is one——

Senator GOLDWATER. In your case, in your particular case, at the international level, who would contribute to this fund?

Mr. MAZEY. The staff members, friends of mine in the local union, and others.

Senator GOLDWATER. You say it is a voluntary contribution?

Mr. MAZEY. That is right.

Senator GOLDWATER. You are under oath.

Mr. MAZEY. I understand that.

Senator GOLDWATER. I have a statement here which comes out of a document of UAW–CIO special Toledo investigating committee. I am reading from page 25. "Brother Speidell," do you know him?

Mr. MAZEY. I know of the name. Incidentally, I was chairman of that committee.

Senator GOLDWATER. I find your name mentioned here in very interesting ways several times. We will get into this shortly. Here is what he says, and I quote it:

> That is the difference in their pay. Now the difference in the pay of an international man and a local man was kicked back into the flower fund. It had to be kicked back. It was compulsory. It wasn't voluntary at all.
>
> Now, that is your fellow's money that is going into the flower fund. That is international.

Mr. MAZEY. Senator, that hearing, those committee hearings, of which I was chairman, took place in 1950.

Senator GOLDWATER. That is right.

Mr. MAZEY. I have not had an opportunity of looking at the record or refreshing. I think you will find some conclusions, recommendations, and decisions of the committee in that matter.

Senator GOLDWATER. I agree with you, but I wanted to question you on that one point.

Mr. MAZEY. I don't recall the incident. It is a long time ago and I am involved in so many important matters that I can't possibly remember all the details of it.

Senator GOLDWATER. These, evidently, are cash funds, for which the union has no responsibility.

Mr. MAZEY. That is right. They are not the union's responsibility.

Senator GOLDWATER. No vouchers, no accounting system?

Mr. MAZEY. No. I didn't say that. There may be vouchers. There may be accounting systems, but at this point I don't handle these funds or have any responsibility for them. You couldn't expect me to be able to answer those questions.

Senator GOLDWATER. You know the existence of these flower funds?

Mr. MAZEY. Yes, and I am in favor of them. I think the only way you can maintain a Democratic union and not use the funds of the union for election, is to have funds of this type. They are voluntary funds and perfectly legitimate and legal.

Senator GOLDWATER. Why haven't you suggested that they be audited, that they be properly run?

(At this point, Senator Kennedy withdrew from the hearing room.)

Mr. MAZEY. Because they are not funds under my control. I cause to be audited the records of every local union, of the union funds every year. I have a 24-man auditing staff that works under my direction. This last year we audited 1185 local unions and made special investigations of problems that they had.

Those are union dues funds, and I have the responsibility there. But on voluntary funds, I have no responsibility.

Senator GOLDWATER. Let's get back to Brother Speidell. Was he lying when he said it had to be kicked back, that it was compulsory, that it wasn't voluntary at all?

Mr. MAZEY. I don't believe that statement to be true.

Senator GOLDWATER. Well, say yes or no.

Mr. MAZEY. I would say he was lying, yes. I don't believe it. I don't believe that anybody in our union has ever been compelled to make a contribution to any fund.

Senator GOLDWATER. It goes on to mention Frank Malich. Do you know Frank Malich?

Mr. MAZEY. I am not certain, Senator.

Senator GOLDWATER. I wouldn't expect you to remember all of these names. He was the first camp director. I will quote from the record.

While he was camp director, he was on the international payroll. In other words, the international was paying the camp director, and the difference in his pay that he got from the international, and what he would have gotten from the local, was $87 and some cents every 2 weeks. That was kicked back into the flower fund. That he will verify, and he is willing to do it at any time.

Eighty-seven dollars and some cents every 2 weeks is not hay, and from a number of people it could grow into a rather interesting flower fund.

Mr. MAZEY. Senator Goldwater, I think you are making a mistake of guilt by accusation.

Senator GOLDWATER. I haven't accused you of anything.

Mr. MAZEY. This particular man is making an accusation and you are taking it as a fact.

Why don't you read the conclusions? What conclusions did our committee reach on this matter?

Senator GOLDWATER. I am merely reading the report——

Mr. MAZEY. All you are reading is somebody's accusation.

Senator GOLDWATER. I am merely asking you if it is right or wrong. I am not accusing you of anything.

Mr. MAZEY. I don't know, Senator if, it is right or wrong. I haven't read the report. If you read the whole report, my committee made certain findings and recommendations on the matter. You have the report there. I don't have it. You might check it.

Senator GOLDWATER. Were you chairman of this committee?

Mr. MAZEY. Yes; I was.

Senator GOLDWATER. You were there and heard the testimony?

Mr. MAZEY. I think I attended every session of the committee.

Senator GOLDWATER. And you heard these accusations made and you didn't come away with the idea that maybe you ought to have an audit made?

Mr. MAZEY. Senator, I pointed out to you that happened in 1950. I haven't read the record. I am willing to take the time to refresh my memory. I would be very glad to answer your question.

Senator GOLDWATER. Just to make it simple, were there kickbacks into the flower fund?

Mr. MAZEY. No; there weren't.

Senator GOLDWATER. Mr. Chairman, I don't want to pursue this up and down the hill. I think what we have heard here indicates that there is something that we ought to look into, that our auditors ought to take a look at, and see whether Mr. Mazey's statements are correct, that it is not compulsory or whether the statements of his brothers are correct, that it was a compulsory and is a compulsory fund.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mr. Mazey, do you know Richard Gosser?

Mr. MAZEY. Yes; I do.

Senator CURTIS. Where does he live?

Mr. MAZEY. He lives in Toledo, Ohio.

Senator CURTIS. Toledo?

Mr. MAZEY. Yes.

Toledo and Detroit: he spends his time between the two cities.

Senator CURTIS. What position does Mr. Gosser hold in the UAW-CIO?

Mr. MAZEY. Mr. Gosser is the vice president of the UAW and has been vice president since 1947. He was elected with me.

Senator CURTIS. How many vice presidents do you have?

Mr. MAZEY. We have four vice presidents.

Senator CURTIS. Does he have any other union office?

Mr. MAZEY. No; he does not.

Senator CURTIS. Is he assigned a region as a vice president?

Mr. MAZEY. No; Vice President Gosser's responsibilities are as follows: He is the director of the competitive shop department. This is the organizing department of our union. He is director of the skilled trades department, and he has a number of minor departments in which he has both collective bargaining and organization responsibilities.

Senator CURTIS. Is he appointed or elected to that office?

Mr. MAZEY. We have a democratic union, sir. All of our officers are elected.

Senator CURTIS. Now, has Mr. Gosser been president of the local union in Toledo?

Mr. MAZEY. I believe he was the original president of that local union, local 12.

Senator CURTIS. Of local 12?

Mr. MAZEY. Yes.

Senator CURTIS. And he was president of local 12 back in 1949 and 1950, was he not?

Mr. MAZEY. He was not.

Senator CURTIS. When did he cease to be president of the local?

Mr. MAZEY. I believe Dick Gosser was elected a member of the international executive board at our Chicago convention in 1942. You can't hold two offices under our constitution and you can't be both president of the local union and officer of the international union. I would say that in 1942 would be the last time he was president of the local union.

Senator CURTIS. What title did he have then?

Mr. MAZEY. He was a member of the international executive board and he is regional director of our region 2–B which covers Toledo and northeastern Ohio.

Senator CURTIS. And you are sure he has not been president of the local since 1942?

Mr. MAZEY. I am sure of it.

Senator CURTIS. Now, as regional director would he have anything to do with running the local?

Mr. MAZEY. He would have a great deal to do with it because our regional directors have basic responsibility for negotiating collective bargaining a great many times and assisting the local unions in the proper carrying out of administrative functions.

Senator CURTIS. That local 12 there in Toledo, do they also have a building corporation that they call the Automobile or Automotive Workers Building Corp.?

Mr. MAZEY. I don't know what they call it but local 12 and about 200 other locals of our International Union of Building Corporations; we have a lot of buildings and we are very happy about them.

Senator CURTIS. Was this Automotive Workers Building Corporation of Local 12 set up in such a manner so that each union member was a stockholder in the building corporation?

Mr. MAZEY. Yes, we have a policy in our union that the members in the union are automatically members of the building corporations and we only have building corporations to meet the laws of the various States.

Senator CURTIS. Was Mr. Gosser president of the building corporation?

Mr. MAZEY. I think he was at one time.

Senator CURTIS. When?

Mr. MAZEY. I don't recall, sir.

Senator CURTIS. Now, did this local union 12 purchase a summer camp known as Sand Lakes Camp?

Mr. MAZEY. They have a children's camp where children of local 12 and the others in the city of Toledo can have an education at the local's expense, and it is at Sand Lake in Michigan.

Senator CURTIS. Was the Sand Lake camp owned by the Automobile Workers Building Corp. of which Mr. Gosser was president?

Mr. MAZEY. It is owned by the local union and owned by the building corporation.

Senator CURTIS. This one that Mr. Gosser has served as president of?

Mr. MAZEY. I said that at one time he was president and he is not president of it now.

Senator CURTIS. Is it true that the Sand Lakes camp was purchased from the Willow Land Sportsman's Club?

Mr. MAZEY. Senator, my memory on that is not too good. These were some of the questions that came up in the 1950 inquiry that Senator Goldwater was talking about, and I don't have the details at my finger tips.

Senator CURTIS. Is it your best recollection that it was?

Mr. MAZEY. It may have been; I don't recall.

Senator CURTIS. All right. Now, was Mr. Gosser head of the sportman club at the time that the camp was sold to the Automotive Workers Building Corp. of which he was also head?

Mr. MAZEY. I give you the same answer, Senator, I don't recall. He may have been.

Senator CURTIS. He might have been?

Mr. MAZEY. Yes, sir. The report that my committee made speaks for itself in that regard and I don't remember every detail.

Senator CURTIS. Now, do you know a hardware store in Toledo or in that general area known as the Colonial Hardware Co.?

Mr. MAZEY. I do know about it, yes, sir.

Senator CURTIS. Was Richard Gosser a part-owner of the Colonial Hardware store along with one Melvin Schultz?

Mr. MAZEY. He was at one time.

Senator CURTIS. Did Gosser own the controlling interest in the hardware store?

Mr. MAZEY. I don't know whether he had the controlling interest or not. He disposed of that property back in 1950.

Senator CURTIS. Did the local union or any organization controlled by it or by Mr. Gosser purchase any farm land?

Mr. MAZEY. Local 12 has a lot of property and they have some farm land that they use to raise cows and grain and vegetables for their camp. Yes, they do.

Senator MUNDT. It is an unfair labor practice against farmers.

Mr. MAZEY. The facts are, we give farmers some jobs.

Senator MUNDT. It is competition, too.

Senator CURTIS. Did the members work out there sometimes?

Mr. MAZEY. There is a lot of voluntary work in our union. We build our union by a lot of people digging in and volunteering their skill and making the union possible, and I am sure there was.

Senator CURTIS. Did the local union, which was headed by Mr. Gosser, purchase any slot machines?

Mr. MAZEY. They did not, not to my knowledge.

Senator CURTIS. Well, what is the answer now, that they did not or that you do not know?

Mr. MAZEY. I recall the charge was made, Senator.

Senator CURTIS. I am not asking you about the charge.

Mr. MAZEY. If you will look at the findings of my committee you will find that the local did not purchase slot machines.

Senator CURTIS. I did not ask you what you found.

Do you know, did they own them or do you know?

Mr. MAZEY. I think that I have said, Senator, that they did not own any slot machines. We are opposed to slot machines and we are opposed to any form of organized gambling because that is where the racketeers and the crooks come in.

Senator CURTIS. Now, were supplies for the Sand Lake camp and for the farm as well as the building corporation purchased from Colonial Hardware?

Mr. MAZEY. Some of the supplies were, yes.

Senator CURTIS. Did any of the local members or officials in the Toledo area make any request of the UAW–CIO to investigate the operation of these various enterprises?

Mr. MAZEY. Yes, we had an investigation.

Senator CURTIS. I said, did local members or officials request one?

Mr. MAZEY. I am not sure whether they requested it or whether we initiated it ourselves. I think our executive board initiated the investigation ourselves.

Senator CURTIS. Would it not refresh your recollection if we said that several local entities asked it?

Mr. MAZEY. In that period, Senator, I believe I received a letter, and I am trying to thing of this fellow's name, from a fellow by the name of Bremiller, or some such name, making certain charges and allegations about the conduct of local 12.

Senator CURTIS. So you may have had just one complaint, is that right?

Mr. MAZEY. Yes.

Senator CURTIS. No more than that?

Mr. MAZEY. It may have been more, but I am not certain whether we instituted this investigation on our motion or someone's request.

Senator CURTIS. Did the UAW auditors ever audit the books of this building corporation?

Mr. MAZEY. Yes, they did.

Senator CURTIS. Did you direct the study of these complaints made by the local union members and officials?

Mr. MAZEY. I was the chairman of a three-man investigating committee, if that is what you mean by "direct."

I think the international executive board directed me to head this committee and make an investigation.

Senator CURTIS. You did this at the direction of the international executive board?

Mr. MAZEY. Yes.

Senator CURTIS. Now, you will notice, Mr. Mazey, that I have not asked you about any specific transactions or any of the merits of these things. I do not believe that this Kohler strike, at this stage of it anyway, is the right place to inject that. I merely wanted to get this information from you about this general outline of organizations in which Mr. Gosser was involved.

Now, I want to go to a different line of questioning:

What are your duties as secretary-treasurer?

Mr. MAZEY. I can take all afternoon giving them to you, sir. I have a lot of duties.

Senator MUNDT. I suggest a lunch hour in between, Senator.

Senator MCNAMARA. I am for that.

Senator CURTIS. It is all right with me.

Mr. RAUH. Before you adjourn, Mr. Chairman, I would just like to request that the report of Mr. Mazey's investigative committee, which Senator Goldwater and the others have been questioning about, be made an exhibit to this record.

The report shows the effects of the union to investigate this and I think it would be only fair if it were made an exhibit, sir.

Senator CURTIS. None of my questioning was based on that report and I have never read it.

Mr. RAUH. I was referring to Senator Goldwater.

Senator GOLDWATER. May I ask, are you referring to a report that Mr. Mazey made?

Mr. RAUH. This is the report of the investigating committee about which you were asking questions.

Senator GOLDWATER. The one that Mr. Mazey was a member of?

Mr. RAUH. Yes, sir.

Senator GOLDWATER. I do not have that report.

Mr. MAZEY. I thought you were reading from the report, and——

Senator GOLDWATER. I have another report. You forgot about this one.

The CHAIRMAN. All right, we have not located the report that counsel is interested in, and we cannot exhibit it until we get it.

Mr. RAUH. We will try to locate it.

The other thing I wanted to say, if I may be permitted, is that Mr. Mazey's offer of arbitration is not limited in its time. It is good as long as this committee sits.

The CHAIRMAN. All right, announce that to the press.

Let us stand adjourned until 2 o'clock.

(Whereupon, at 12:10 p. m. the hearing recessed, to reconvene at 2 p. m. of the same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were: Senators McClellan, Kennedy, Ervin, Goldwater, Mundt, and Curtis.)

The CHAIRMAN. The Chair will announce that we have two witnesses here that we would like to hear this afternoon. They are officials and we do not wish to inconvenience them any more than we can help it.

Therefore, we are going to suspend, temporarily, with the testimony of Mr. Mazey, and hear two other witnesses now. Then Mr. Mazey will be recalled.

The first witness is Judge Murphy. Will you come around, please?

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Judge MURPHY. I do.

TESTIMONY OF CIRCUIT COURT JUDGE HAROLD F. MURPHY

The CHAIRMAN. State your name, and your place of residence, and your official capacity, please?

Judge MURPHY. My name is Harold F. Murphy, and I live at Marinette, Wis., and I am circuit court judge of the 20th Judicial Circuit of Wisconsin.

The CHAIRMAN. How long have you been occupying that position, Judge?

Judge MURPHY. I am finishing my fifth 6-year term, and I have 2 more years to go; 28 years.

The CHAIRMAN. It is your fifth 6-year term?

Judge MURPHY. Yes, sir.

The CHAIRMAN. In 2 more years you will have had 30 years on the bench?

Judge MURPHY. What is that, sir?

The CHAIRMAN. I just remarked that in another 2 years you will have had 30 years on the bench.

Judge MURPHY. That is correct, sir.

The CHAIRMAN. All right. I am indulging the assumption that you waive counsel, of course.

Judge MURPHY. I waive counsel; yes.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. You are, in addition, the dean of the circuit court judges in Wisconsin; are you?

Judge MURPHY. That is true, if that means in point of service. I have served a longer time in that position.

Mr. KENNEDY. Than anyone else; is that right?

Judge MURPHY. Yes, sir.

Mr. KENNEDY. Have you held any other elective position?

Judge MURPHY. Yes. I was nominated and elected on the Republican ticket four times as district attorney of Marinette County, away back in the early twenties.

Mr. KENNEDY. And you served that time, also, is that right——

Judge MURPHY. Yes.

Mr. KENNEDY. For about 8 years; was it?

Judge MURPHY. Exactly 8 years, sir.

Mr. KENNEDY. Now, Judge, you became involved in the WERB enforcement, or in the WERB findings?

Judge MURPHY. I did.

Mr. KENNEDY. That was in early 1954 or the middle of 1954; is that right?

Judge MURPHY. It was in August of 1954.

Mr. KENNEDY. The mass picketing had been going on at the Kohler plant, and there had been, also, some home demonstrations?

Judge MURPHY. Yes, sir.

Mr. KENNEDY. As I understand, the WERB had made a ruling that these activities should cease and desist; is that right?

Judge MURPHY. That is correct.

Mr. KENNEDY. Then it came to your court to be enforced?

Judge MURPHY. That is right.

Mr. KENNEDY. Now, Judge Murphy, were you the one that would naturally handle that case, or was it Judge Schlichting who would have handled the case?

Judge MURPHY. It would have been Judge Schlichting ordinarily, because Sheboygan County is in Judge Schlichting's circuit. Judge Schlichting had the same matter before him in May of 1950, and as I was informed, from the record and those interested, Judge Schlichting called a conference, or at least there was a conference held, attended by lawyers of both sides: that is, the Labor Board of Wisconsin and the union attorneys.

As a result of that conference, it was agreed, as I am informed, that the cease-and-desist order previously issued by the Wisconsin Employment Labor Board would be complied with.

There must have been some other meeting with Judge Schlichting, because at a later date I was notified by the chairman of the board of circuit judges that Judge Schlichting was disqualified, and I was designated to hear the injunctional suit, or, as you say, the application of the Wisconsin Labor Board for an enforcement judgment of the order.

Mr. KENNEDY. So Judge Schlichting did not handle the case, and you were appointed to handle it?

Judge MURPHY. That is correct.

Mr. KENNEDY. You were designated to handle the case?

Judge MURPHY. That is right.

Mr. KENNEDY. Then, when the argument was made before your court, you issued a decision; is that right?

Judge MURPHY. There was no testimony taken at that hearing, but we occupied most of the day, and many exhibits were offered and oral arguments made, and following the oral arguments I rendered a memorandum decision from the bench granting the injunction requested by the Wisconsin Employment Labor Board.

Mr. KENNEDY. That was an injunction against the union to cease their activities?

Judge MURPHY. That is correct.

Mr. KENNEDY. That is to cease and desist not all of their activities, but the activities regarding the mass picketing and any other of these demonstrations; is that correct?

Judge MURPHY. That is correct.

Mr. KENNEDY. Now, were you involved at all in the strike in the dispute between the Kohler Co. and the union after that date, after you issued your cease order?

Judge MURPHY. I was.

Mr. KENNEDY. Would you tell us how you became involved in that, and what you did, Judge Murphy?

Judge MURPHY. After rendering my decision, I left the bench and I went into the judge's chamber. I told the bailiff to notify the attorneys on both sides, and I mean by the attorneys on both sides the attorney for the union and the assistant attorney general representing the Wisconsin Labor Board, and the Kohler Co. attorneys to keep their seats for awhile. I went into chambers and then called in the lawyers representing the parties that I have named.

I made inquiry as to when the last mediation meeting had been held and my recollection is that none had been held for a little more than 2 weeks. I inquired into the efficacy of any further hearings, or the possibility of any further hearings, and voluntarily offered my services as one of the mediators in the hope that that dispute could be settled and the trouble resolved.

Mr. KENNEDY. Had you had some experience prior to that time in labor disputes?

Judge MURPHY. Yes; I did. I had been involved in five cases in which injunctions in labor disputes were sought. I recall issuing 2 injunctions and denying 2, and I may be wrong on the fifth, but in addition to the actual formal court hearings I have participated in at least a dozen labor dispute matters.

Mr. KENNEDY. So you have had considerable experience in this field?

Judge MURPHY. Yes, sir; I believe I have.

Mr. KENNEDY. And you offered your services to see if this dispute which was already very bitter between union and the company, could be settled; is that right?

Judge MURPHY. That is correct.

Mr. KENNEDY. Would you tell what happened then? Would you tell the committee what happened after that?

Judge MURPHY. In chambers, and present was Beatrice Lambert, the assistant attorney general representing the Wisconsin Labor Board; and Max Raskin, an attorney from Milwaukee representing the union; and Lyman Conger and Lucian Chase, lawyers representing the Kohler Co. When I made the suggestion as to the resumption of mediation meetings, Mr. Raskin quickly acquiesced and was favorable to the idea.

Mr. KENNEDY. That is the union representative?

Judge MURPHY. Yes; that is the union representative.

Mr. Conger said he would not refuse to meet, but he thought any further meetings would be futile. I recall my reply was that, of course, anybody entering the meetings with the idea that the meetings were futile would make them futile. That conversation was not very long, and it was quite quickly agreed, maybe a matter of 5 minutes, that meetings would be resumed.

I inquired of Mr. Conger whether Mr. Fleischman, who was the chief Federal conciliator who had presided at previous mediation meetings should not be contacted, and Mr. Conger said he thought that that was only proper, and he agreed at my request to notify Mr. Fleischman, which was obviously done promptly, because the meetings resumed within a matter of 3 days, I believe, or maybe it was 2 days.

Mr. KENNEDY. This would be about early in September of 1954?

Judge MURPHY. That is right.

Mr. KENNEDY. And you participated in some further meetings in early September of 1954?

Judge MURPHY. Oh, yes; several meetings.

Mr. KENNEDY. Now could you summarize your recollection as to those meetings, and your impression regarding the position of the company and of the union?

Judge MURPHY. When I arrived the first morning I met a group of men by mere accident, and they were a group headed by Mr. Raskin, and they asked me to step into a room and they said they were preparing an agenda for discussion at the meetings.

I spent a few minutes with them, but they handed me a paper which was supposed to be the agenda, and the subjects for discussion. I then proceeded to the large committee room of the county board, the county board room of Sheboygan County Courthouse, where all of the parties were gathered. Soon thereafter the meeting began, presided over by Mr. Fleischman, the Federal conciliator, and another conciliator whose name escapes me at this time.

The discussion that morning certainly was a general discussion. It covered many issues. It had been told me earlier at the very first meeting in chambers, and said by Mr. Raskin that the question of seniority clause in the contract was pretty well disposed of. That was not agreed to completely by Mr. Conger, but that was a statement that was made.

Mr. Conger and Mr. Raskin at that first meeting gave me a sort of preview of what had happened at prior meetings. I am not able to tell you now just what subjects we started to discuss at that time.

Mr. KENNEDY. I don't want to go into the detail of the matter. I want to know just generally, and then I want to know what your impressions were as of the first meeting, then I will carry you through the other meetings. But I want to know what your impressions were and what they were based on, without getting into all the details of every meeting.

Judge MURPHY. Well, the meeting was very tense, very few smiles on any face; a willingness to discuss subjects, and many subjects were discussed that morning, and again in the afternoon and again the following day. Those subjects were the seniority clause, the arbitration clause in the contract, insurance benefits, pension plan, 20-minute lunch periods for enamel workers. Those were the things that were generally discussed, some of them sketchily and some of them in some detail.

Mr. KENNEDY. Was there any agreement at that time?

Judge MURPHY. No agreement at all.

Mr. KENNEDY. Did those meetings suspend, then?

Judge MURPHY. I stand for correction here, but I think we went into the third day. Certainly we completed the second day in negotiations at the same place in the courthouse with the same parties present. That would be, I think, the first and second of September 1954.

Mr. KENNEDY. But there was no agreement?

Judge MURPHY. No agreement.

Mr. KENNEDY. There was considerable feeling between both sides at that time?

Judge MURPHY. Of course, there was considerable feeling. It was at the end of 4 months of a very bitter dispute, and, of course, there was an unfriendly feeling on either side. And obvious matching of numbers on each side of the table. I never believed that it was coincidence that because there were 7 members on the union side, that there would be 7 members on the company side.

Mr. KENNEDY. Then were there other meetings that followed in mid-September?

Judge MURPHY. Will you repeat that?

Mr. KENNEDY. Were there other meetings that followed in mid-September?

Judge MURPHY. Yes. I told you about, I think, the second day and, I believe, the third day. I am not sure of these dates now, but I am sure that during mid-September there was a resumption of meetings that lasted, again, at least 2 days, I believe.

Mr. KENNEDY. Did you reach any conclusions? Was there any agreement at that time?

Judge MURPHY. Well, no. You see, there was never anything in writing on any of it. Many of the questions, however had been quite well resolved after the second of the series of meetings. The seniority clause was pretty well out of the way, and the seniority clause pretty well dictated by Mr. Conger, and, while not satisfactory to the union in its entirety, was going to be acceptable to them, as was indicated.

There was a bettering of insurance benefits for employees fairly well agreed upon; again not satisfactory to the union, but I was of the considered opinion that the insurance plan was going to be accepted by the union.

I believe pretty much at my suggestion, and to get rid of the question of pensions, it was fairly well accepted, without there being any formal agreement, that the pension plan that had been in vogue in Kohler Co. for many years would continue, or, in other words, in my words, I believe, let the company write their own ticket on the pension plan, which was to be the plan that was carried through.

Mr. KENNEDY. Did you feel at this time that it was possible to bring the two parties together?

Judge MURPHY. I did.

Mr. KENNEDY. That is what I would like to get to, to what steps you took and what conversations you had along those lines?

Judge MURPHY. The reason that I had some confidence was generated at a meeting that I had with Mr. Conger alone in a hotel at Manitowoc, Wis., which is a town midway between Sheboygan and Green Bay and on my way home to Marinette. I was riding home with James Desmonds, a Federal conciliator, and upon inquiry by me Mr. Desmonds said that it would not hurt, that maybe if I met with Mr. Conger alone that more could be accomplished, and, as he expressed it, if we both got our hair down, if any, that we might get somewhere.

Mr. KENNEDY. You had that meeting?

Judge MURPHY. I had that meeting. I stopped at some place along the road, called Mr. Conger about 7 o'clock in the evening. He agreed

to meet me at the Manitowoc Hotel, and met promptly at 8 o'clock as we had agreed upon. We went to a room that I had provided, and spent about 2 hours in discussing the situation generally. One of the real points of contention was an across-the-board raise in wages.

The company, as I recall it, had, in June, offered a 3-cent raise. My efforts were constantly toward getting at some increase above the 3 cents. Mr. Conger and I at the Manitowoc Hotel discussed wages a good deal. Maybe that was the principal subject discussed. While Mr. Conger never gave me a firm promise that the company would increase that offer, from his attitude and from what he said I was encouraged by the idea that there would be forthcoming someplace along the line an offer of an increase in wages. Mr. Conger's language was this in response to my question at least two times, "You do not mean to tell me that the door is closed on the question of some increase over 3 cents?"

He replied at least twice, "I do not say the door is closed on the increase in wages."

Mr. KENNEDY. So you felt from that conversation that there was a possibility to get the strike settled, and that the company would be willing to give some increase over the 3 cents; is that right?

Judge MURPHY. That was correct. But that was only the inference that I gained.

Mr. KENNEDY. Then did you have some conversations with the union officials, representatives of the union? Without going into quite that much detail, is that correct, that you had a conversation with them, with the union, at a later time?

Judge MURPHY. I did.

Mr. KENNEDY. And at that time did they indicate to you that they would be willing to give up virtually all the other issues that still remained in question between themselves and the company if they could get an increase of more than 3 cents?

Judge MURPHY. Generally that is a correct statement, Mr. Kennedy.

Mr. KENNEDY. There was going to always be the question of how many of the strikers would be rehired, but except for that issue, the union was willing or ready to concede that time on all the other issues; is that right?

Judge MURPHY. That is a correct statement.

Mr. KENNEDY. What they wanted was something a little better than the 3 cents.

Judge MURPHY. That is right, even if it is only called a facesaving gain.

Mr. KENNEDY. And they were willing to concede even back in September of 1954 on almost all the major issues; is that right?

Judge MURPHY. Yes, of course, you are avoiding the return-to-work thing.

Mr. KENNEDY. With the question of the return to work of the strikers being left to settle; is that right?

Judge MURPHY. That is right.

Mr. KENNEDY. At that time, then did you go back and meet with the company?

Judge MURPHY. I did.

Mr. KENNEDY. And did you go back to them with the understanding or with the feeling that you could speak for the union and perhaps settle this strike?

Judge MURPHY. I had the feeling that there was some chance of my getting an offer from the Kohler Co. officials of some increase in wages which I thought would break the logjam or be the important opening wedge to final negotiations.

Mr. KENNEDY. Did the union authorize you—Mr. Harvey Kitzman—to go back to Mr. Conger and indicate to him that they would be willing to accept even a 7-cent increase?

Judge MURPHY. That is correct.

Mr. KENNEDY. Did you in fact go to Mr. Conger and tell him that the union would be willing to accept even a 5-cent increase?

Judge MURPHY. I made that statement as to 5 cents, and it was unauthorized. But, again, I made that statement because I had confidence that if I knew that that was a firm offer from the Kohler Co., that I could persuate the union committee at least to accept it.

Mr. KENNEDY. What was your reception by Mr. Conger and the Kohler Co. when you same back to them with these renewed efforts?

Judge MURPHY. I met with the Kohler officials at the Kohler Co. plant at Kohler, Wis. Present was Mr. Herbert Kohler, Mr. Lyman Conger, and, I believe, Vice President L. L. Smith.

My proposition and statement to them was "Assuming that the 20-minute lunch period for enamel workers is out, assuming that the seniority clause in the contract has been resolved, assume that the insurance question has been resolved, assume that the pension plan will be left entirely with the company, and talking only on the question of an increase over the 3 cents already offered, do you men feel there is ever going to be made an offer of something more than 3 cents?"

I may not be stating it exactly as I state it at that time, but Mr. Conger, speaking for the group, made the flat, unequivocal statement that there would be no further increase over the 3 cents offered by the company. Mr. Kohler, Herbert Kohler, discussed at that meeting statistics that he had which he claimed, and maybe they did, established that the wages paid at Kohler Co. were the highest in the area, and that they were high on average hourly and weekly wage in Wisconsin.

Mr. KENNEDY. Why did they say that they were going to take this position regarding the fact that they would not give an increase over the 3 cents? Did they make any statements about the union at that time.

Judge MURPHY. Not at that particular meeting. But Mr. Conger at one of the meetings at the courthouse said that in the past when the company had made an offer of an increase in wages, and the company later maybe increased their first offer, that then it invariably resulted in the union going all out and making a larger demand, and that he was not going to offer any further increase.

Mr. KENNEDY. Did he make any statement about what their feeling was about the union, the position of the union at that time, and whether they had the union beaten?

Judge MURPHY. No. Mr. Conger nor no one else representing the Kohler Co. ever said that they thought they had the union beaten. But through all of the negotiations, whether they were held when parties on both sides of the controversy were present and before the Federal conciliators, or with my meetings, the two different meetings with the Kohler officials, it was perfectly obvious that the attitude of the Kohler Co. was that the strike had been won, and that they had

the union beaten, and that there was no point in their receding from any position that they had taken.

I am not quoting language. You are asking me now about an impression and how I felt. Definitely the attitude of winners.

Mr. KENNEDY. Did they make any statement about teaching the union a lesson?

Judge MURPHY. Mr. Conger made that statement one time.

Mr. KENNEDY. What did he tell you?

Judge MURPHY. Well, he didn't tell it to me alone. I don't know who was present. But Mr. Conger made this statement along the same line when many people were present: That the strike in 1934 had resulted in 20 years of labor peace, and they expected that this strike would bring about the same result.

At one time, Mr. Conger made the statement that they were going to teach the union a lesson.

Mr. KENNEDY. He said that in the strike of 1934 some 47 people had been shot; is that right?

Judge MURPHY. I have read of it.

Mr. KENNEDY. From accounts in the newspapers?

Judge MURPHY. I have no special information as to that. I am referring to the 1934 strike, and I don't know how I would be required to be any more specific than that.

Mr. KENNEDY. All right, you are right. He did make a statement however about teaching the union a lesson, that these negotiations or their position at that time was going to teach the union a lesson.

Judge MURPHY. He made that statement. Mr. Conger made the statement.

Mr. KENNEDY. What did you feel about their bargaining at that time? What was your impression as to whether the company was willing to bargain with the union?

Judge MURPHY. If you are inquiring about the question of bargaining in good faith, that very question is now before the National Labor Relations Board for decison and involves, of course, many legal considerations.

I am not going to, and I have no right to, accuse either party to the negotiations proceedings of bargaining in bad faith. But I got the distinct impression after the second series of meetings and after Mr. Conger had told me upon inquiry from me if there were any men who would not be rehired if the strike was settled, and he said there were many men who would never be rehired.

We asked about how many. Mr. Conger replied that probably 50, but that number was subject to go up or down depending upon developments. The further statement often made was that the several hundreds of employees, new employees, that had been hired during the months when the strike was still going on were not temporary employees, that they were hired as permanent employees, and that they were hired taking the place of many men who were on strike.

So there was that almost insurmountable roadblock of no return to work of 50 men. Of course that was always based upon the claim that they had been troublemakers, and that they had violated the law, and they were guilty of violence, and that they were guilty of misconduct on the picket line, and for what the company considered good reasons would not be rehired under any circumstances.

And the question of rehiring of that number would not be arbitrated by any arbitrator or by any committee of arbitration or any person or body.

So that that type of negotiation to get anywhere, to be successful, cannot be a one-way street, and it must result in compromise. And compromise, or implicit in compromise, of course, is the give-and-take attitude. What was in the minds of the bargaining committee or in the minds of the Kohler officials representing the company, of course, is a mental process not susceptible of any direct proof, and you could only take what was said by them to come to a conclusion whether they were bargaining in good faith or not bargaining in good faith.

Mr. KENNEDY. Did you ever accuse or state to any member of the Kohler Co., any official of the Kohler Co., that they were quibbling as far as——

Judge MURPHY. That came about, yes, I did. I said that to Mr. Conger one morning after we had had a meeting the day before. It involved the question of arbitration generally, and it was suggested by me to forget about any arbitration clause at all and substitute therefore a discharge clause.

I mean discharge of an employee for cause. The suggestion was made by Mr. Raskin and by myself that the discharge clause in the contract have "discharge for good cause." The meeting ended on that note, and the next morning, Mr. Conger came back and he would not agree to "good cause" or "good and sufficient cause," but suggested a clause for discharge that had the words "inefficient, neglect, and misconduct."

There seemed to be no great disagreement on the words "inefficient" to "neglect," but the word "misconduct" blew everything up.

Inquiries made were, "Misconduct where? At the corner tavern, do you mean at home, on the streets, or do you mean while at work?"

The union strongly objected to the word "misconduct" because of its very connotations.

Mr. KENNEDY. Is there anything else in connection with these meetings that you held with the company and the union that you feel would be helpful to the committee to know?

Judge MURPHY. I was very disconsolate at the end of the meetings. I felt that I had voluntarily offered to engage in a useless procedure, and I felt that the meetings amounted to gathering goat feathers.

Mr. KENNEDY. What was the basis for that conclusion?

Judge MURPHY. Because we were just never getting anywhere, and the nub of the situation was some increase over 3 cents, and there was no moving the company from that position.

Then the next important thing that had to be considered would be the return to work, but until the negotiations had gotten past the increase in wages question, nothing could be accomplished.

I was told in no uncertain terms that there would be no further or different offer on wages. I was told it so often and I understood it so thoroughly, that that seemed to be the end of things.

Mr. KENNEDY. There was no real true bargaining then, in your estimation, at that time?

Judge MURPHY. Well, if bargaining means being physically present at a meeting, and willing to discuss and willing to listen, there was

bargaining. But if it means anything more than that, I doubt that it truly could be called bargaining, while I was present.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any questions?

Senator Curtis?

Senator CURTIS. This is a phase that I don't know that this committee has any particular jurisdiction in, but I might ask a question or two.

Did both the parties show up when these arbitration meetings would be set?

Judge MURPHY. Oh, yes, they did.

Senator CURTIS. Now, in this discussion about trying to get the company to agree to a greater increase in wages, did you tell them at that time that you were authorized by the union to state that 5 or 7 cents would be accepted, or was it merely a statement of belief that it might be?

Judge MURPHY. Well, it was a mixed statement, Senator. I was definitely authorized by the union committee to suggest to the Kohler Co. a 7-cent raise. I did that at the meeting with the Kohler officials at the Kohler plant. The mention of the words "5 cents" was purely my own device, but I said that I was sure that I was authorized to make the statement because I had confidence that I would be able to sell the idea of 5 cents to the committee.

Of course, I could not give anybody any assurance of that. Seven cents was authorized.

Senator CURTIS. Was there any disagreement with your belief that it would be accepted?

Judge MURPHY. Well, I am sure that I told Mr. Kitzman at a later date that I had mentioned 5 cents, and he made no objection to it.

Senator CURTIS. I mean of those present for the company, was there any indication that they doubted that you could be successful in getting a 5-cent settlement?

Judge MURPHY. There was some question about my authority, and I assured them time and again that I did have authority on 5 cents, and I had authority on making the statement that they could assume that all of the other issues were resolved.

Senator CURTIS. About when was this?

Judge MURPHY. I think mid-September of 1954.

Senator CURTIS. Now, about in the end of September, the 28th or 29th, did you make a statement in the presence of Mr. Mazey that a 5 or 7 cents increase would settle the strike?

Judge MURPHY. Now, I do not have an indpeendent recollection of making any statement like that to Mr. Mazey, but I certainly wouldn't dispute anybody who said I made the statement because that is the way I felt, and I certainly made the statement to union officials that an increase of 5 cents or an increase of 7 cents, or even 5 cents should settle the strike.

Senator CURTIS. Well, certainly I am not challenging your word, and it is asking you to remember quite a little back.

I believe on page 1412 of the NLRB transcript, Mr. Mazey testified:

The meeting was opened by Judge Murphy who began to state that he thought the basic differences between the union and the company were what the issues in dispute were at that time, and as I recall, Judge Murphy said that the question of wages, a general wage increase, the question of arbitration and return of

strikers to their jobs were the three main basic issues that were keeping the union and the company from reaching a settlement.

I am still quoting from Mr. Mazey:

I disagreed very sharply with Judge Murphy. I said that the balance of the issues were still in the picture, and that the question of the return of the strikers to the job was not an issue; that the union would insist on every striker being returned to the job without discrimination if a settlement were to be reached with the company.

Judge MURPHY. You are refreshing my recollection very well, and I am quite sure that that—in real substance—statement was made by Mr. Mazey at the courthouse at Sheboygan.

Senator CURTIS. About the 28th or 29th of September?

Judge MURPHY. That would be right. That would be the last of September, and that would be the third series of meetings.

Senator CURTIS. At any rate, you served as a volunteer and you worked hard and you didn't get the job done?

Judge MURPHY. That is right.

Senator CURTIS. I think that that is all.

Senator MUNDT. I have just 1 or 2 questions, Judge.

My attention was detained when you were talking about the 1934 strike. Were you also participating as a mediator in that strike?

Judge MURPHY. Indeed I was not, and I was circuit judge of Marinette at that time, but I had utterly nothing to do with the 1934 strike, and I know nothing more about that strike than as a member of the public would know about it.

Senator MUNDT. I thought that you gave some testimony about the number of people who were shot, and I was going to ask about that.

Judge MURPHY. No, I didn't. I have no idea of how many people were shot.

Mr. Kennedy, in a question to me, stated about some number of people that were shot, but I did not answer that question because I have no information on it.

Senator MUNDT. You know nothing about that strike?

Judge MURPHY. I know nothing about it.

Senator MUNDT. Except what you read in the papers?

Judge MURPHY. My only reference to the 1934 strike was the quoting of Mr. Conger who said that the 1934 strike had brought 20 years of labor peace, and they expected this strike to do the same.

Senator MUNDT. The other question I had was this: You said that all your good, voluntary efforts finally resulted in gathering goose feathers because nothing flowed from the efforts.

Judge MURPHY. That is right.

Senator ERVIN. Goat feathers, I believe.

Senator MUNDT. I stand corrected. Goat feathers.

Judge MURPHY. The goats I know don't have any feathers.

Senator MUNDT. South Dakota being the home of the best goose flight and shooting, I was thinking of geese instead of goats.

Anyhow, whatever kind of feathers they were, nothing happened, and I think you said nothing happened, because you didn't get to the second stage. I think you said there were two stages, one being a matter of wages on which there was a difference of opinion, and the second was one of the return to work business, which you never really got around to negotiating because you couldn't get by stage 1, is that it?

Judge MURPHY. That is a very correct statement, Senator Mundt.

Senator MUNDT. My question was directed to this: That being the case, did you ever start with the second controversy instead of the first? Did you ever try to negotiate from the standpoint of trying to get number two out of the way and then getting back to wages?

Judge MURPHY. At the very last meeting that I attended, and it was at the courthouse, and it is the only meeting that I ever knew that Mr. Mazey attended, and it was a short time, I made a suggestion to Mr. Mazey, and Mr. Kitzman was there, whether there wasn't some device whereby the union, maybe, could take care of those men by getting them employment in other places; that was turned down on the proposition that those men had a right to have the services of their union carry on their battle for them, and that those men would have a right to feel that they had been let down. Of course, my other discussions on the return to work were with Mr. Conger, principally, or with the Kohler officials. But it was Mr. Conger always saying that about 50 would never be rehired, and his always giving reasons for it.

Senator MUNDT. So that the company refused to negotiate on the basis of wages until it could determine what was going to be done with the strikers?

Judge MURPHY. I don't think that is true. I don't think one is tied up with the other like that.

Senator MUNDT. You had two points of difference.

Judge MURPHY. That is right.

Senator MUNDT. And you couldn't get them to move toward each other on either point?

Judge MURPHY. That is correct.

Senator MUNDT. That is correct. And the difference over wages was a difference between 3 cents and something over 3 cents, and an indeterminate amount?

Judge MURPHY. That is a correct statement.

Senator MUNDT. And the difference over wages was that Mr. Mazey said, "Every worker should return to his job," and the company said there were about 50 of them that they felt had so conducted themselves in the strike that they wouldn't take them back?

Judge MURPHY. I think that is a good summation.

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Judge Murphy, I believe you testified that you attempted to enter the negotiations around Sepemtber 1?

Judge MURPHY. That is right.

Senator GOLDWATER. Did I hear you correctly that Mr. Conger said at that time something to the effect that "we will teach the union a lesson."

Judge MURPHY. He didn't say that at that time. That statement was made to me, and I think in the presence of Mr. L. L. Smith at the courthouse at Sheboygan, when I believe Mr. Conger, Mr. Smith and I were standing in the corner of the room.

Senator GOLDWATER. Do you remember the approximate time, the date?

Judge MURPHY. That must have been during one of the recesses of the second series of meetings. I don't want to be held to that. Mr. Conger will know what I am talking about and when and what was said, if anything.

Senator GOLDWATER. Well, it is immaterial, Judge, and this isn't suggesting that words are being put in your mouth. But I am reading

this just to put into the record the fact that there might have been some reason for Mr. Conger or anyone else, as far as that is concerned, having some fears in this case. I will read from the intermediate report of the NLRB trial examiner, on page 21. It says:

> On June 24, Conger repeated his warning concerning violence and illegal activities. Ferrazza, another international representative, stated that "the trouble hasn't even started yet. We haven't gone into high gear yet, but we are just about to do so," and then Kitzman said, "I hope you will never go the route of soliciting employees, because then trouble will start."

Mazey added—

> No one has a right to scab despite the law.

That is the end of the quotation.

I just wanted to get that into the record to indicate that there might be some reasons for apprehension, on the part of not only Mr. Conger but other citizens of that community.

The CHAIRMAN. Are there any other questions?

If not, thank you very much, Judge Murphy.

Call the next witness.

Mr. KENNEDY. Judge Schlichting.

(At the point, the following members were present: Senators McClellan, Ervin, Mundt, Curtis, Goldwater.)

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Judge SCHLICHTING. I do.

TESTIMONY OF F. H. SCHLICHTING, ACCOMPANIED BY J. W. WILKUS, COUNSEL

The CHAIRMAN. State your name, your place of residence, and your official position, please, sir.

Judge SCHLICHTING. My name is F. H. Schlichting. I reside at Sheboygan, Wis. I am the judge of the fourth judicial circuit of Wisconsin, which includes Manitowoc and Sheboygan Counties.

The CHAIRMAN. How long have you served in that particular position?

Judge SCHLICHTING. Since the first Monday in January 1953, as circuit judge.

(At this point, Senator Ervin withdrew from the hearing room.)

The CHAIRMAN. You have held other official positions in the county, have you?

Judge SCHLICHTING. Prior to that I served continuously from October 3, 1932, until assuming the office of circuit judge, as county judge of Sheboygan County.

(At this point, Senator Ervin entered the hearing room.)

The CHAIRMAN. I see you have someone with you. Do you have counsel?

Judge SCHLICHTING. I'm happy to accept the voluntary services of my friend and colleague, the county judge of Sheboygan County, J. W. Wilkus.

The CHAIRMAN. As counsel?

Judge SCHLICHTING. As counsel.

The CHAIRMAN. Thank you very much.

Proceed.

Mr. KENNEDY. Judge Schlichting, you have been a judge for how long?

Judge SCHLICHTING. I have been a county and circuit judge 25 years last October 3.

Mr. KENNEDY. How many years?

Judge SCHLICHTING. 25 years.

Mr. KENNEDY. And you have been elected to 6-year terms?

Judge SCHLICHTING. Yes. I was appointed in 1932, on October 3, as county judge, elected for the unexpired term in the spring of 1933, then elected for 6-year terms thereafter until I was elected in 1952, in the spring election, as circuit judge to take office the first Monday in January of 1953.

Mr. KENNEDY. During the strike between the UAW and the Kohler Co., did you handle any matters dealing with that?

Judge SCHLICHTING. Yes, yes, I heard, presided, at the hearing for a temporary injunction, I believe it was May 28, 1954, on the application of the Wisconsin Employment Relations Board for such temporary injunction. It is my recollection that I also sat on that same matter when it was called back some time in August of 1954.

Mr. KENNEDY. Do you remember why you didn't handle it in August of 1954?

Judge SCHLICHTING. Yes, that date up in May, sir. I signed the order to show cause for the temporary injunction, and set the date as best I recall a day or so later, the 28th of May.

I presided, but that resolved in an agreement. I started to preside and they asked for a recess. We adjourned to chambers and that resulted in an agreement whereby the union people stated that they would voluntarily comply with the order of the Wisconsin Employment Relations Board. It was then agreed that should there be on the part of the State an application for a continuance of that hearing, that could be brought on, as I recall, on 12 hours' telephone notice to attorneys. There had been a recession of the bargaining negotiations, it is my recollection, from May 10, and also at that meeting then in chambers it was agreed that the bargaining relations would resume in June—I may be incorrect as to that, but that was the 7th or 8th of June.

Mr. KENNEDY. And then——

Judge SCHLICHTING. Thank you for refreshing me.

Mr. KENNEDY. It wasn't very much refreshing.

Judge SCHLICHTING. At that time, that was late in May, I was a comparatively new judge and had a very busy circuit, and I had considerable work, I think a great deal of work, in the Sheboygan branch of the circuit. But in June I was to begin a large calendar in Manitowoc County, the other county in the circuit. I asked these people how long will it take to hear the application for the permanent injunction, and I was advised that it might take about 2 weeks. I stated to them "Well, I just wouldn't have 2 weeks, because I must go up to the adjoining county. We will have to call in another judge." They agreed upon a judge. However it is our duty, perhaps—well, not exactly a duty—that we submit that matter to the chairman of the board of circuit judges, who then appoints a judge. But in this case both parties agreed that Judge Murphy could be called in.

It is my recollection that that took place in May, that meeting.

Mr. KENNEDY. Then you handled an altercation that grew out of the strike, the matter of Mr. Vinson?

Judge SCHLICHTING. Yes, sir, that is right.

Mr. KENNEDY. And you imposed a sentence which you felt was justified under the circumsances?

Judge SCHLICHTING. That is correct, sir.

Mr. KENNEDY. You imposed a sentence of 2 years which you felt was justified under the circumstances of the brutal beating that had taken place, is that right?

Judge SCHLICHTING. If you will pardon me, sir, that is inaccurate.

Mr. KENNEDY. Well, that is not——

Judge SCHLICHTING. This is, I think, important. At that time in Wisconsin we had what is called an indeterminate sentence law, and the provision of the law in that case, that is, the State prison sentence for that offense was a minimum of 1 year and a maximum of 3 years. The judge cannot change the minimum. He can reduce the maximum. The sentence that I imposed was not less than 1 year, which I was obliged to do if I was committing, nor more than 2 years. We call that a 1 to 2 sentence.

Mr. KENNEDY. But you did handle the case?

Judge SCHLICHTING. Yes, sir.

Mr. KENNEDY. And you imposed a sentence which you felt was completely and fully justified under the circumstances of the case?

Judge SCHLICHTING. That was my judgment; yes, sir.

Mr. KENNEDY. Thank you.

Judge SCHLICHTING. Are there any questions?

Senator MUNDT. I am not sure that I understand exactly about this sentence. See if I get it right. This was a jury trial?

Judge SCHLICHTING. That is correct, sir.

Senator MUNDT. And what questions were submitted to the jury?

Judge SCHLICHTING. There were three verdicts submitted. The defedant was charged with the then law, assault with intent to commit great bodily harm. I discussed with the attorneys what I believed to be proper, the submission of an included offense, and stated to defense counsel that if they would move for such, I would submit it. They moved that I submit simple assault, so as an included offense, I also submitted a verdict of simple assault, and, of course, the verdict of not guilty.

So three verdicts were submitted to the jury.

Senator MUNDT. With the concurrence of the defense attorney?

Judge SCHLICHTING. The defense attorney moved for the submission of simple assault. He did so at my suggestion, that I believed it was fair to the defendant to submit an included offense. In the event the jury didn't feel that the facts or the evidence warranted the more serious charges, and did not feel the defendant was not guilty, we could, under our law, submit what we call an included offense.

Senator MUNDT. Whereupon, after you had made that suggestion to defense counsel, he moved that that be done, and you granted him the motion?

Judge SCHLICHTING. That is correct; yes, sir.

Senator MUNDT. Do I understand you correctly, then, that it was the trial jury rather than the judge that he agreed upon the greater crime rather than the lesser crime?

Judge SCHLICHTING. That is correct. A verdict in a criminal case in Wisconsin must be by unanimous action of the jury.

Senator MUNDT. So by unanimous action the jury decided against the included offense, which was the lesser crime with the smaller penalty, and agreed unanimously upon the greater crime with the greater penalty?

Judge SCHLICHTING. That is correct, sir.

Senator MUNDT. And when he was found guilty by the jury, you did not sentence the accused or the guilty to the maximum penalty?

Judge SCHLICHTING. No, sir, I did not.

Senator MUNDT. You gave him not less than 1 nor more than 2 years?

Judge SCHLICHTING. That is correct.

Senator MUNDT. It would seem to follow from that that Mr. Mazey's tirade against the judicial procedures of Wisconsin should be directed against the jury rather than against the judge, because they were the ones that found the greater crime.

Judge SCHLICHTING. Senator, just so there is no misunderstanding, at that time, that offense—the discretion imposed upon the judge by the statute for the commission of that offense ran this gamut, may I say, State's prison, not less than 1 nor more than 3 years, as the maximum; county jail, 1 year—it is my recollection—and some fine. Excuse me. I don't mean and some fine. Or some fine. I am sorry, but I just don't recall the amount of that fine.

Senator MUNDT. That was the thing I was trying to establish, whether or not the determination of the severity of the crime was made by you, as I had been led to believe by Mr. Mazey's testimony, or by the jury. You testify that it was made by the jury.

Judge SCHLICHTING. I am sure—well, I think that is universal law in this country, that that question of fact——

Senator MUNDT. I didn't know until your testimony that the jury had the option of finding the guilty man guilty of a lesser crime instead of a greater crime. That is the thing that you have cleared up in my mind by your testimony.

Judge SCHLICHTING. Thank you, sir.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. The court over which you preside, Judge, is a court of record, is it not?

Judge SCHLICHTING. Correct, sir.

Senator CURTIS. And a complete transcript is made of everything?

Judge SCHLICHTING. Correct.

Senator CURTIS. And the case went on appeal to the Wisconsin Supreme Court?

Judge SCHLICHTING. That is correct.

Senator CURTIS. And it was affirmed?

Judge SCHLICHTING. It was affirmed.

Senator CURTIS. Judge Schlichting, I do not care to question you about this case for the reason that I think you have been defended here more eloquently than anybody from this side of the table could. The highest court in your State confirmed the action, and the way the

good people of your community spoke out when someone so vilely and so wickedly attacked the judicial, and the integrity of our courts in this country of ours, such as happened in your community; the way the clergymen of that area spoke out in your defense, the ministerial association, the bar association, the medical association and the publishers.

They have spoken in such a way that there is nothing that need be said. You don't need any defense.

Judge SCHLICHTING. Thank you, sir. Not for myself but on behalf of the judiciary, I am grateful for these remarks.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Judge, isn't it a fact that after the trial, the defendant's attorneys commended you for fair and impartial conduct in the trial?

Judge SCHLICHTING. That occurred, as I recall, during their arguments just preceding sentence, after the return of the jury's verdict. Then we suspended for a day or a half day, I have in that forgotten, and called the case for arguments on sentencing. It was then that we were commended.

Senator GOLDWATER. Before you passed sentence?

Judge SCHLICHTING. Before we passed sentence, yes, sir.

Senator GOLDWATER. They were very nice to you before the sentence was passed?

Judge SCHLICHTING. Well, they were complementary. I understood it to be such.

Senator GOLDWATER. And because they didn't agree with your decision, you immediately became an object of not their affections but their vituperations?

Judge SCHLICHTING. I have yet to hear the attorneys who tried that case publicly express vituperation, that is, the attorneys who participated in the case.

I don't recall of any statement by them. On the other hand, I don't recall their joining in praise, either. I think they were silent.

Senator GOLDWATER. Judge, yesterday a witness in this room impugned the integrity of the clergy of Sheboygan, the bar of Sheboygan, the medical association of Sheboygan, and lest the people of the country who read these things in their papers might think that the committee accepted those charges of lack of integrity without any comment, I merely want to say, as one member of this committee, that I think it was a very contemptible accusation, and I think that the American people will be called upon to judge the individual who made those charges.

Judge SCHLICHTING. Thank you, sir.

The CHAIRMAN. Are there any further questions?

Judge SCHLICHTING. Thank you.

The CHAIRMAN. Senator Ervin.

Senator ERVIN. Judge, I presume that you submitted the lesser verdict under a statute similar to that which exists in most of the States, that where a person is charged with an offense which includes lesser offenses, that the jury, if they think the evidence warrants it, can acquit on the greater offense and convict on the lesser?

Judge SCHLICHTING. That is it exactly.

Senator ERVIN. We have an indeterminate sentence statute in North Carolina in certain cases, which provides in effect that where the indeterminate sentence is imposed, that the length that the man actually serves under it is dependent upon his conduct as a prisoner.

Judge SCHLICHTING. Yes, of course, we do not pass on that. This might be of interest to you, Senator: For instance, a 1 to 1 sentence would mean that the defendant is eligible for parole at the end of 1 year. A 1 to 2 sentence would mean that the defendant is eligible for parole at the same time, 1 year. A 1 to 3 sentence would mean the defendant is eligible for parole at the end of 18 months.

Senator ERVIN. Our statute works just a little bit differently, but it is designed to accomplish more or less the same result. If a person under an indeterminate sentence makes a good prisoner, he gets so much credit on his sentence.

In this case, the jury convicted the defendant, in the case we are talking about, of the more serious offense, and you imposed an indeterminate sentence which included the necessary minimum as fixed by your legislature, but did not include the maximum that you could have imposed.

Judge SCHLICHTING. That is correct. I will add to my statement that when you make a 1-to-2 sentence, as distinguished from 1 to 1—in 1 to 1 you are eligible for parole at the end of 1 year and 1 to 2 eligible for parole at the end of 1 year, but you are on parole, then, for that year. If it is 1 to 3, you are eligible for parole at the end of 18 months, but for the remainder of the term you are on parole.

Senator ERVIN. Would I be correct in assuming—I notice that you stated that the offense for which Vinson was convicted was punishable by imprisonment in the State prison. Could I infer from that that under your law it was a felony as distinguished from a misdemeanor?

Judge SCHLICHTING. Yes. In Wisconsin, any offense punishable by imprisonment in the State prison is a felony.

Senator ERVIN. That is our law also.

Thank you.

Judge SCHLICHTING. Thank you.

The CHAIRMAN. Are there any other questions?

If not, call the next witness. Thank you, Judge.

Call the next witness.

Mr. KENNEDY. Emil Mazey.

TESTIMONY OF EMIL MAZEY, ACCOMPANIED BY JOSEPH L. RAUH, JR., COUNSEL—Resumed

(At this point, the following members were present: Senators McClellan, Ervin, Curtis, Mundt, and Goldwater.)

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mr. Mazey, I believe I had just asked you, when you were last on the stand, What were your duties as secretary-treasurer?

Mr. MAZEY. Would you restate your question, please?

Senator CURTIS. What are your duties as secretary-treasurer?

Mr. MAZEY. My duties as secretary-treasurer are to see to it that the income and expenditures of the union are handled properly, to approve the payment of bills, and to carry out the orders and directions of the executive board.

Senator CURTIS. Are you authorized to approve the payment of bills?

Mr. MAZEY. I am.

Senator CURTIS. Does your office pay the bills, too?

Mr. MAZEY. Yes; it does. We have both an accounts receivable and accounts payable division in our accounting department.

Senator CURTIS. What have you to guide you on what bills should be paid?

Mr. MAZEY. The approval of the recommendations of officers, directors, department heads, and so on.

Senator CURTIS. And must the expenditures be in accord with your constitution and bylaws?

Mr. MAZEY. They must be.

Senator CURTIS. Does that require them to be itemized or at least identified?

Mr. MAZEY. It depends on the nature of the bill. For example, we have attorneys on retainer fees, and they would not have to itemize their retainer, but it is a simple stipulated amount.

Senator CURTIS. What was your authority as secretary-treasurer at Kohler? You were down there a good deal; weren't you?

Mr. MAZEY. I was in Kohler to try to settle the strike on a number of occasions. As I testified this morning I spent some 19, I took part in 19 sessions in an attempt to settle the strike.

Senator CURTIS. Were you the highest ranking international officer there?

Mr. MAZEY. I was most of the time. In fact I was all of the time. Walter Reuther tried to get Mr. Kohler to sit down at the bargaining table but he could never get his feet under the table.

Senator CURTIS. Now, what authority did you have over the other international representatives there at Kohler?

Mr. MAZEY. Well, of the representatives who worked directly for me, I had frequent authority. Those who worked under the regional directors, the authority there was in the hands of the regional directors.

Senator CURTIS. Now you, yourself, belong to the Briggs local, do you not?

Mr. MAZEY. I do.

Senator CURTIS. What is the number of that?

Mr. MAZEY. Local 212.

Senator CURTIS. What arrangements were made with the international or with the local at Kohler for help from the Briggs local?

Mr. MAZEY. I advised this committee this morning that we had an education conference in the city of Chicago, a conference which you probably recall where Bishop Schiel spoke out against McCarthyism, and at that conference I had a discussion with the president of the local union and advised him of the status of the Kohler strike. I suggested to him that he send some members of the local union to help maintain the morale of the Kohler workers, and to indicate that they were not fighting their battle alone, and that they had some assistance from people elsewhere.

Senator CURTIS. Did you suggest about how many should be sent?

Mr. MAZEY. I don't recall whether I did or not. I may have.

Senator CURTIS. Did you have any discussion with the local union as to who would pay the expense?

Mr. MAZEY. Well, the local union paid the expense.

Senator CURTIS. But did you have any discussion with them as to who would pay the expense?

Mr. MAZEY. I don't recall it. In the fact that they paid the expense, the subject matter may not have come up at all.

Senator CURTIS. You mean the arrangement was entered into and carried out without any discussion as to who would pay the expense?

Mr. MAZEY. Well, the fact that the international union did not pay it, the local president I spoke to probably said, "Well the local union will pay the expense."

Senator CURTIS. The international paid some of the expense; didn't it?

Mr. MAZEY. No; they did not.

Senator CURTIS. Well, they paid expenses when one of these men would get arrested, wouldn't they, and things of that sort?

Mr. MAZEY. I testified this morning, and I repeat, that the people were arrested and there were bail bonds and attorney fees and matters of that sort. We did pay those expenses.

Senator CURTIS. Now, did you authorize the payment of any bills for merchandise when you were around Kohler?

Mr. MAZEY. We have a strike-assistance program which is adopted by our executive board and it has been approved by our conventions, and the strike-assistance program provides that members who are on strike were entitled to receive strike aid in the form of food vouchers.

The man in charge of the committee, in the local committee itself, would process these matters and the policy and the board gave them authority to be paid.

Senator MUNDT. For purpose of clarification, is it fair for me to assume that whenever you use the pronoun "we," you refer to the UAW International?

Mr. MAZEY. That is right.

Senator MUNDT. Thank you.

Senator CURTIS. Well now, what other expense did you have besides food vouchers in carrying on the strike?

Mr. MAZEY. Well, the Kohler Co. cut off the insurance, and medical insurance, and group life insurance for the strikers, and I authorized the payment of the insurance premiums. Many of the strikers were faced with evictions from their homes, and our program authorized the payment of rents in emergency cases.

And many of the strikers were faced with the shutoff of their utilities, gas, and electric, and so on, and I authorized the payment of those.

Senator CURTIS. Now, were there other expenses to carrying on the strike besides these necessities of life of strikers?

Mr. MAZEY. Yes; there are a lot of expenses.

Senator CURTIS. What are they?

Mr. MAZEY. To maintain the radio program for one thing, to keep the strikers and the public advised.

Senator CURTIS. Who paid for that?

Mr. MAZEY. The international union.

Senator CURTIS. About how much money have you spent on that?

Mr. MAZEY. I don't know exactly. I think that I may have a statement here that can help clarify my memory on this matter.

We have an item of printing, publicities, radio, prints, photos, and signs, for the period of 1954, 1955, 1956, and 1957, in the amount of $246,453.43. This includes newsaper ads, and items of that type.

Senator CURTIS. Did you have some sound truck expense?

Mr. MAZEY. We had two sound trucks at the strike, as I reported this morning, one from local 212 in Detroit and one from Chrysler local 7 in Detroit, and I think the expense we had there would probably be gas and oil and any repairs that we may have had.

Senator CURTIS. But the bringing of those in was upon the arrangement of the international?

Mr. MAZEY. Yes. I reported this morning that Mr. Fiore and Mr. Barber were employed by the international union at that time.

Senator CURTIS. Now, did you have any expense in connection with any home demonstrations?

Mr. MAZEY. We had nothing to do with the home demonstrations, and there is no expense connected with them.

Senator CURTIS. What do you mean by you had nothing to do with them?

Mr. MAZEY. They were not part of the union activities.

Senator CURTIS. The union had nothing to do with them at all?

Mr. MAZEY. That is right.

Senator CURTIS. Now, did you ever see one of these paint bombs that they talked about in the cases of some of this vandalism and property damage?

Mr. MAZEY. I have never seen a paint bomb in my life. I am kind of curious, and I would like to see one.

Senator CURTIS. You never were in any of these homes where the damage had been done?

Mr. MAZEY. I have not been; no.

Senator CURTIS. You have never seen one of them that was made out of a mason fruit jar?

Mr. MAZEY. I haven't seen any bombs of any kind.

Senator CURTIS. Have you seen any of those that were made out of a light bulb?

Mr. MAZEY. I haven't seen any light bulb bombs.

Senator CURTIS. Now, did any union money go directly or indirectly for these weapons that were described by previous witnesses as paint bombs?

Mr. MAZEY. They did not.

Senator CURTIS. How do you know?

Mr. MAZEY. Well, I know the union was not responsible for it and nobody in the union has been arrested for any of those acts. I think it is unfair for you to charge the union——

Senator CURTIS. I have not charged it. I asked you——

Mr. MAZEY. You have by innuendo, sir.

Senator CURTIS. No; I just asked you about this expenditure, and I asked you how you know.

Mr. MAZEY. The people handling the funds for me in this strike, I have a great deal of confidence in their integrity and their honesty, and the loyalty to our movement, and I know that they would not spend money for improper purposes.

Senator CURTIS. Who were those people?

Mr. MAZEY. Joe Burns.

Senator CURTIS. And who else?

Mr. MAZEY. Well, the local union financial secretary, I think in the early part of the strike, handled some of the expenditures.

Senator CURTIS. What is his name?

Mr. MAZEY. John Steibert.

Senator CURTIS. Who else for the international besides Joe Burns?

Mr. MAZEY. On the local union level, as I have explained previously——

Senator CURTIS. I said for the international.

Mr. MAZEY. For the international union, Joe Burns on the spot. On the question of the request for replenishments or approval of expenditures, they would usually be handled by 1 or 2 administrative assistants.

Senator CURTIS. Now, I do not mean to imply that I know who did any of these acts, but I want to know this: That you are positive that you had a check over the expenditures of the union such that these weapons were not financed directly or indirectly by union funds?

Mr. MAZEY. That is correct; they were not.

Senator MUNDT. Will the Senator yield if he is through asking questions on the financial aspects of the strike?

Senator CURTIS. Yes, on those expenditures.

Senator MUNDT. Mr. Mazey, Senator Curtis has yielded to me to ask a question about the financial arrangements. You were quoting from a paper that you put on that top folder?

Mr. MAZEY. Yes, sir.

Senator MUNDT. Which I presume is a breakdown of the money that the UAW spent on the Kohler strike, is that correct?

Mr. MAZEY. That is correct.

Senator MUNDT. $246,000 in radio and publicity and so on?

Mr. MAZEY. Yes, sir.

Senator MUNDT. Have you provided the committee and do we know, and it could have happened when I was out of the room, what is the total amount of money that the international has invested in the strike?

Mr. MAZEY. We have turned over to your chief auditor all of the records requested including a copy of the record which I was using.

Senator MUNDT. Does that copy which you have, have a footing, a total?

Mr. MAZEY. I believe for purposes of identification, it is local union 833 strike expenditures, local union account, Joe Burns accountant, international union account, accounting department, for years 1954, 1955, 1956, and 1957.

Senator MUNDT. Broken down into the expenditures by these various groups?

Mr. MAZEY. By categories, yes.

Senator MUNDT. Would you read for the record what those total expenditures are?

Mr. MAZEY. Total expenditures for the period of strike in 1954, 1955, and calendar 1956, period ending December 31, 1957, $10,188,-961.67.

Senator MUNDT. I take it that that is the total expenditure, or is that just the total of the UAW International?

Mr. MAZEY. This is the total expenditures, and this includes income from the international union, and it also includes income from local unions and from friends and sympathizers.

Senator MUNDT. Do you have it broken down as to how that is arrived at, the $10 million?

Mr. MAZEY. These are expenditures that you are asking me.

Senator MUNDT. I was not interested in the expenditures, and I was interested in the sources of income of it. I assume that Briggs and the international has some money involved in that $10 million, and that the local Sheboygan union has some money, and I was just wondering who contributed the $10 million, if you have that broken down?

Is my question clear, what I am trying to get at?

Mr. MAZEY. It is clear. I am looking for it here. This statement, too, has been turned over to the committee, it is headed: "Local union 833 strike income for years of 1954, 1955, 1956, and 1957."

From the international union strike fund, a total for the period ending December 31, 1954, was $9,814,000.

Senator MUNDT. Was it 1957?

Mr. MAZEY. I meant in 1957, ending then. It is $9,814,482.08. From UAW locals, and we have a number of local unions who made contributions to this Kohler strike fund, a total of $207,579.34. From other unions, that is outside of the UAW, such as AFL groups, and others, brewery workers, for example, one of our good supporters and we support them, too—$145,559.95.

Individual merchants, $32,331.19. There were donations to a chorus that we had of $9,238.02, and some minor expenditures all less than $1,000, from about 15 sources.

Senator MUNDT. Merchants, that is Sheboygan merchants?

Mr. MAZEY. Some of them were Sheboygan merchants.

Senator MUNDT. This was a voluntary contribution?

Mr. MAZEY. That is right, and many of the merchants made contributions to it.

Senator MUNDT. That is what I had. I know you had submitted the record, but I haven't had a chance to go through all of the records submitted and I wanted to find out for my own information.

Senator CURTIS. Now, Mr. Mazey, who did you say this morning was head of the boycott organization?

Mr. MAZEY. I said I am the officer responsible for the boycott program, but the day-to-day operations of the program are handled by one of my administrative assistants by the name of Donald Rand.

Senator CURTIS. Who was in charge of boycott headquarters there in Sheboygan?

Mr. MAZEY. Leo Breirather, he is a Kohler striker, a chief steward and member of local 833.

Senator CURTIS. Then you had a field organization extending outside of Wisconsin, didn't you?

Mr. MAZEY. Yes, sir.

Senator CURTIS. Who was in charge of boycott work in Indiana, Ohio, and Michigan?

Mr. MAZEY. The people who worked in the field were under the direction of Don Rand, and it would depend on what period of time you were referring to.

Senator CURTIS. Did a John Archibald have something to do with it?

Mr. MAZEY. He is a member of the boycott staff, yes.

Senator CURTIS. What is his position?

Mr. MAZEY. He is an international representative assigned to the boycott program.

Senator CURTIS. What territory is he now working in?

Mr. MAZEY. He is now working in Michigan.

Senator CURTIS. What other territories has he worked in?

Mr. MAZEY. I am not sure. I will have to consult Mr. Rand, who handles this particular matter.

Senator CURTIS. Is Mr. Rand sitting right there?

Mr. MAZEY. Yes. He is handling Michigan and some counties in Ohio.

(At this point, the following members were present: Senators McClellan, Ervin, McNamara, Mundt, Curtis, and Goldwater.)

Senator MUNDT. Will the Senator yield?

Whatever you spent in boycott, is that included in your $10 million strike fund, or is that a separate operation?

Mr. MAZEY. Some of the boycott expenditure is in these figures. For example, we have posters, leaflets, letters that have been sent out. They are all charged to the strike fund program. The staff members who are working in the field on the boycott program are not charged to the Kohler strike expenditures. They are part of the various staffs of the international union.

Senator MUNDT. I don't suppose your bookkeeping procedure is such that you can separate and tell us how much you spent in addition to the boycott operation other than the part charged to the strike fund?

Mr. MAZEY. It would be extremely difficult to separate the boycott expenditures.

Senator MUNDT. I don't think it is important enough to ask you to do it, unless you happen to have the thing tabulated.

Mr. MAZEY. I am willing to admit that we have spent some money to promote the boycott.

Senator MUNDT. That is quite obvious. I am not arguing about that. I am trying to find out how much. You can't really tell us how much the boycott operation cost; can you?

Mr. MAZEY. No; I don't know offhand, sir.

Senator MUNDT. Printing and so forth was included in your $10 million figure, and salaries and expenses of the personnel would be regular union charges?

Mr. MAZEY. I am referring to the field representatives in the various areas around the country are charged to specific departments from where I borrowed them to work on this assignment.

Senator MUNDT. Is this a full-time job of Mr. Rand? Is that his full assignment?

Mr. MAZEY. Mr. Rand works about 26 hours a day. He has many, many jobs. This is one of his major assignments. He has other duties, other assignments.

Senator MUNDT. His major responsibility, like you, he wears a lot of hats and does a lot of other things.

Mr. MAZEY. That is right. We all do in our organization.

Senator CURTIS. Does he have a collective-bargaining agent?

Mr. MAZEY. He bargains with me and the executive board and the convention. It might be of some interest to you, Senator Curtis, that we have a more difficult problem of getting our salaries adjusted than

the Senators do. We have to go to a convention of 3,000 people who pass on our salaries, where Senators can pass on their own.

Senator MUNDT. You are forgetting about 175 million constituents when you say that.

Senator CURTIS. Who is Fred Askough?

Mr. MAZEY. Fred Askough is a member of the staff of the international union who is currently working on the boycott program.

Senator CURTIS. What territory is he assigned to?

Mr. MAZEY. He is working in the East; I believe New Jersey at the present time.

Senator CURTIS. A little bit in New York, too?

Mr. MAZEY. New Jersey and New York are so close together, I suppose it includes part of that.

Senator CURTIS. And Robert Burkhart, who testified here, he is working in the boycott business now; is he too?

Mr. MAZEY. No; he is not. Mr. Burkhart is in charge of our organizing staff in California at the present time.

I imagine he would be doing some work on the boycott thing, because his heart and soul is very close to winning this strike.

Senator CURTIS. Has he been some of the time prior thereto engaged in carrying on the boycott?

Mr. MAZEY. Yes. When Mr. Burkhart was shifted in his assignment from Sheboygan, we had him on a speaking tour, speaking about the Kohler strike and Kohler issues, and on the boycott. He worked in New York for part of the time.

Senator CURTIS. And he is an international representative?

Mr. MAZEY. Yes; he is.

Senator CURTIS. And is John Collins an international representative?

Mr. MAZEY. Yes; John Collins is.

Senator CURTIS. Is he working on the boycott?

Mr. MAZEY. He is not.

Senator CURTIS. Has he been?

Mr. MAZEY. He was at one time; yes.

Senator CURTIS. Whereabouts?

Mr. MAZEY. In the Chicago area.

Senator MUNDT. Before you get too far from Mr. Burkhart, may I ask a question about him?

Senator CURTIS. All right.

Senator MUNDT. He is quoted in Labor's Daily on April 10, 1956, as follows, Robert Burkhart, describing the activities of the UAW boycott:

> We try to leave no stone unturned. We hit capitols and large cities. We talk at union membership meetings and district labor council meetings and conventions. We talk with editors, union officials, architects, contractors, builders, and anyone else we can corral.

That would seem to imply he was in this boycott movement. I mentioned it only because you said he was not.

Mr. MAZEY. He is not at the present time.

Senator MUNDT. He was in 1956?

Mr. MAZEY. I believe he was.

Senator CURTIS. Mr. Mazey, it is my understanding that, according to the agenda here, the details of boycotting will be heard at another

time. But I merely wanted, for the purpose of preparing for further questioning, to find out who was in charge of it. Has Mr. Garvin Crawford had anything to do with it?

Mr. MAZEY. Not at the present time, no.

Senator CURTIS. Has he in the past?

Mr. MAZEY. I am not certain. Let me find out.

(The witness conferred with his counsel.)

Mr. MAZEY. He was on for a short time, yes.

Senator CURTIS. In the Chicago vicinity?

Mr. MAZEY. I believe so.

Senator CURTIS. And Aubrey Durant?

Mr. MAZEY. Aubrey Durant was on for a short time, but he now has another assignment.

Senator CURTIS. And Ovide Garceau?

Mr. MAZEY. Yes, Garceau, I beleive, was working in the New England States.

Senator CURTIS. And Gerald Harris?

Mr. MAZEY. Gerald Harris is in New York.

Senator CURTIS. And Harvey Kitzman?

Mr. MAZEY. Harvey Kitzman is a director of region 10, which includes South Dakota, North Dakota, Wisconsin, Minnesota, and is a director in the union and a director specifically charged with the responsibility of the Kohler work. I am sure he has been doing a lot of work in the boycott program.

Senator CURTIS. And Cecil J. Londo?

Mr. MAZEY. Cecil J. Londo is one of the members of the staff, yes.

Senator CURTIS. Raymond Majerus?

Mr. MAZEY. Raymond Majerus is one of the Kohler workers fired by the Kohler Co. during the organizing drive in 1952.

He is a member of the international staff. He is one of the enamel workers and can tell you a great deal about the enamel shop. He is an international representative assigned to region 10 and works on the boycott program.

Senator CURTIS. Rex Mainard?

Mr. MAZEY. Rex Mainard is spending some time on the program in California. He has recently had a partial change in his assignment. He also handles recreation for the west coast.

Senator CURTIS. And Luther M. Slinkard?

Mr. MAZEY. Luther Slinkard was working on the program. He is now a member of our social-security department.

Senator CURTIS. Tom J. Starling?

Mr. MAZEY. Tom Starling is assigned to the southeastern section of the country on the boycott program.

Senator CURTIS. And Harold Wilson?

Mr. MAZEY. Harold Wilson is assigned to the program in New York.

Senator CURTIS. That is all I have at the moment.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater?

Senator GOLDWATER. I yield to Senator Mundt.

Senator MUNDT. You will remember, Mr. Mazey, we had a discussion about the 2 kinds of tactics employed in boycotts, and you mentioned that on 3 different occasions there might have been deviations from those rules, and we agreed not to fuss about the

3 of them. You mentioned the three. But I think perhaps you overlooked some others that in my opinion deviated from this rule. I want to mention one or two of them.

Would you agree with me that the so-called clay boat riot, on which we have had considerable testimony, was not something which was a boycott conducted either to educate the public or to dissuade an individual purchaser or contractor?

Mr. MAZEY. First of all, I don't agree there was a clay boat riot, and, second, the union had nothing to do with the clay boat incident.

Senator MUNDT. Didn't Mr. Rand lead it?

Mr. MAZEY. He did not.

Senator MUNDT. Wasn't he involved in it?

Mr. MAZEY. He was not.

Senator MUNDT. Was he there?

Mr. MAZEY. I think he was there, yes. There were thousands of other people there, citizens of Sheboygan.

Senator MUNDT. Let me read you a statement here that I take from the February 8 issue, 1956, of the Sheboygan Press, and an editorial, and let you comment on it.

Mr. MAZEY. It is not one of my favorite papers.

Senator MUNDT. I don't doubt that [reading].

Mr. Rand will be remembered for his activities in the day of the riot at the harbor front last July. It is a remarkable coincidence that the disturbance became intensified during the period that he was in the city.

It is your testimony under oath that he had nothing to do with the clay boat riot?

Mr. MAZEY. That is my testimony, yes.

Senator MUNDT. But he was there?

Mr. MAZEY. He was there.

Senator MUNDT. Just as a spectator?

Mr. MAZEY. Just as a spectator.

Senator MUNDT. Just as a spectator. Were you there?

Mr. MAZEY. I was not.

Senator MUNDT. Did you have other international reps who were there?

Mr. MAZEY. I don't know offhand.

Senator MUNDT. Is Mr. Rand the only man you can name from the UAW who was there?

Mr. MAZEY. To the best of my knowledge, yes.

Senator MUNDT. Did Mr. Rand report to you on what took place?

Mr. MAZEY. Yes, we talked about the matter.

Senator MUNDT. Was a lot of equipment wrecked, or was some equipment wrecked?

Mr. MAZEY. I don't know.

Senator MUNDT. Were some drivers beaten up?

Mr. MAZEY. I don't know.

Senator MUNDT. Did they finally turn the clay boat back? Did it dock? Did it unload?

Mr. MAZEY. I believe the clay boat finally left the city of Sheboygan.

Senator MUNDT. With its clay in the holds of the boat?

Mr. MAZEY. Or wherever they keep it, yes.

Senator MUNDT. It then went to Milwaukee, did it?

Mr. MAZEY. I don't know. I think it did.

Senator MUNDT. Did it unload at Milwaukee? Did it have some difficulty down there, too?

Mr. MAZEY. I remember reading about it. It wasn't unloaded in Milwaukee. I think it has already been testified that it was unloaded somewhere in Canada.

Senator MUNDT. The same kind of spontaneous, unled confusion kept it from unloading in Milwaukee as kept it from unloading in Sheboygan?

Mr. MAZEY. I don't think it was organized confusion.

Senator MUNDT. Well, unorganized, then. Did the National Labor Relations Board take any action on that matter?

Mr. MAZEY. I don't believe they did, no; The Board hasn't acted on this whole case yet, Senator. The trial examiner for the Board made recommendations. The Board still has to act on this question.

(At this point, Senator McNamara withdrew from the hearing room.)

Senator MUNDT. Did any of your representatives in the boycott branch of your activity ever take any action to induce or encourage city councils to boycott Kohler products?

Mr. MAZEY. Representatives of our union, I am not certain they are all boycott representatives, have talked to city councils, they have talked to State legislatures, and other groups, trying to encourage them not to use scab, strikebreaker-made products.

Senator GOLDWATER. Mr. Mazey, were you ever a part of the picket line at Kohler?

Mr. MAZEY. Was I ever what?

Senator GOLDWATER. Part of the picket line at Kohler.

Mr. MAZEY. Yes, I walked on the picket several times.

Senator GOLDWATER. Did Mr. Vinson speak to you on the picket line at any time?

Mr. MAZEY. I don't know. I talked to so many people that I couldn't recall who they were.

Senator GOLDWATER. Did you ever see Mr. Vinson on the picket line?

Mr. MAZEY. I am not certain. I saw a lot of people on the picket line, but I can't remember specific individuals.

Senator GOLDWATER. I hand you a photograph, and you are marked No. 10. Could you tell me if that is you?

(Photograph handed to the witness.)

Mr. MAZEY. Yes, I posed for pictures so that the Kohler Co. could have a record of my activities.

Senator GOLDWATER. Well, it is not a good picture of you. You ought to get it done again. Is Mr. Vinson near you?

Mr. MAZEY. That is a matter of opinion, sir. I think it is a pretty good picture of me.

Senator GOLDWATER. You were younger then. We will put it that way. Is Mr. Vinson near you?

Mr. MAZEY. There are a couple of pretty tall boys here. It could be Vinson, but I can't recognize him from the photo.

Senator GOLDWATER. Check on the back and you will see the number of him. I just wanted you to tell me whether that is Mr. Vinson.

Mr. MAZEY. The picture is too small to make out the features of his face, but it could be Mr. Vinson.

Senator GOLDWATER. Would you say definitely that it is or isn't?

Mr. MAZEY. I don't know whether it is or isn't. But it could be.

Senator GOLDWATER. That is all on that. Now, Mr. Vinson—I mean Mr. Mazey. Pardon me. When Mr. Vinson was on the stand, he testified that he was a member of a flying squadron, but he didn't seem to know what a flying squadron was nor what his duties would be in a flying squadron, were he called out to participate in one.

Could you explain to us what a flying squadron is?

Mr. MAZEY. The flying squadron of local 212 is at present like Chiang Kai-shek's Army. They don't take part in too many strike activities any longer. The purpose of a flying squadron is to have a group of active unionists who are available for strike duty in the event a strike takes place.

Senator GOLDWATER. What kind of strike duty?

Mr. MAZEY. The question of picketing, the question of maintaining soup kitchens and so on.

Senator GOLDWATER. Did you have flying squadrons over at Kohler?

Mr. MAZEY. I am not certain whether they organized a squadron of their own or not in Sheboygan. They may have.

Senator GOLDWATER. Didn't they have an outfit over there called Mazey's Daisies?

Mr. MAZEY. Mazey's Daisies was the name of a championship bowling team that I had back in 1949.

Senator GOLDWATER. Well, you cleared that up. I thought it was a flying squadron.

Mr. MAZEY. I think our bowling team was also called that occasionally in jest.

Senator GOLDWATER. Are there any other duties of a flying squadron other than what you described?

Mr. MAZEY. The purpose of the flying squadron is to assist a local union to organize a picketing, peaceful picketing, of a plant.

Senator GOLDWATER. Mr. Mazey, I am going to read you from your statement on page 21, the first sentence:

Under UAW policy against violence, I share and fully support the UAW International Union policy of complete opposition to violence, vandalism, or illegal activity in any form.

Is that your stand?

Mr. MAZEY. That is my stand, yes, sir.

Senator GOLDWATER. Did you know that mass picketing was illegal in Wisconsin?

Mr. MAZEY. Mass picketing is not illegal.

Senator GOLDWATER. How do you interpret it, then?

Mr. MAZEY. I don't interpret mass picketing to be illegal.

Senator GOLDWATER. What does the Wisconsin law say about it?

Mr. MAZEY. I am not a lawyer. I haven't read the law. But it is my understanding that it is not illegal.

Senator GOLDWATER. The court ordered you to stop under it. What grounds were they operating under, if it wasn't the law?

What you are saying is that the law says one thing, but you say the law doesn't hold.

Mr. MAZEY. I didn't say what the law said. I don't know what the law says. But it is my opinion that mass picketing is not illegal. I thing every worker involved in a strike has a right to protect his job and has a right to picket.

Senator GOLDWATER. We are not arguing about that. I think they have a perfect right to picket. But how is another thing. The Wisconsin law says:

> To hinder or prevent, by mass picketing, threats, intimidation, force or coercion of any kind the pursuit of any lawful work or employment, or to obstruct or interfere with entrance to or egress from any place of employment, or to obstruct or interfere with free or uninterrupted use of public roads, streets, highways, railways, airports, or other means of travel or conveyance.

That is the law.

Mr. MAZEY. Nobody was ever convicted of violating that law.

Senator GOLDWATER. No, but you were ordered to desist because of this law.

Mr. MAZEY. I don't believe it was that section.

Senator GOLDWATER. Well, you said earlier you knew something about the law. What law are you operating under when you say that you can mass picket and it is not illegal?

Mr. MAZEY. You asked me my opinion of the law, and I told you what it was. I am not an attorney. I haven't studied the law in detail. Attorneys can't agree on interpretation of the law.

Senator GOLDWATER. I was just reading your statement. I am informed that this is the section under which the Wisconsin order was handed down. Possibly you were in ignorance of the existence of this law before you went to Kohler. I am merely trying to relate if I can your statement that you are in complete opposition to violence, vandalism or illegal activity in any form, and to find out how you justify an illegal activity that you were engaged in in mass picketing.

Mr. MAZEY. I don't admit illegal activity in this mass picketing.

Senator GOLDWATER. That clears that up. You are opposed to vandalism?

Mr. MAZEY. Yes, I am.

Senator GOLDWATER. Did you do anything to try to stop the vandalism that was going on?

Mr. MAZEY. To begin with, our union was not responsible for any vandalism, and nobody has been arrested for vandalism.

Senator GOLDWATER. How about violence? Did you do anything to stop that?

Mr. MAZEY. There has been very little violence in the strike, Senator. It has been one of the most peaceful strikes I have seen in the history of the labor movement.

Senator GOLDWATER. This is an interesting statement on your part, and it is difficult for me to relate it to some of the history.

If you have taken this as your stand as of now, in view of what has happened in the past, then you are to be commended for it.

But there seems to be a pattern of violence in your strikes, in spite of what you say. From the Chicago Tribune, for instance, in 1947, on August 26——

Mr. MAZEY. That is not a labor paper, sir.

Senator GOLDWATER. Well, yesterday you doubted the integrity of the church, you doubted the integrity of the bar, you doubted the integrity——

Mr. MAZEY. I doubted——

Senator GOLDWATER. Just a moment.

If you want to doubt the integrity of the press, that is up to you. I have found out there are two groups you don't fit with, the church and the press.

Mr. MAZEY. I found it out, too.

Senator GOLDWATER. Reading from that paper of August 26, datelined Detroit, August 25—so the Chicago——

Mr. MAZEY. What year is that, sir?

Senator GOLDWATER. 1947.

CIO pickets clashed with police today in a skirmish in which officers swung nightsticks and arrested five unionists at the strike-harassed Huck Manufacturing Co. Forty pickets and ten policemen took part in the melee that flared when members of the CIO-United Automobile Workers tried to prevent Louis C. Huck, president of the company, and Lester Wilson, a field engineer of the firm, from crossing the line to enter the plant.

The rest pertains to it. It says:

Among the group was Emil Mazey, regional director of the CIO–UAW who led the recent CIO mass picketing at Clinton, Mich., where imported "goon squads" caused such disorders that State police were called out and the Michigan National Guard was alerted.

On October 21, again in the Chicago Tribune——

Mr. MAZEY. Do you want me to comment on the first one?

Senator GOLDWATER. I didn't ask you for comment at all.

Mr. MAZEY. I don't think it is fair for you to put that into the record without a comment.

Senator GOLDWATER. I will let you comment when I get through. Then you can comment on the whole thing.

I will read a portion of this. It had to do, you will recall, when you had the argument with Representative Hoffman. This paragraph is entitled "Tells his story later."

Recalled to the stand late in today's session, Mazey testified without further outbursts.

That is commendable.

He told of leading 400 men from Detroit to the picket line at Clinton, but denied making the statement attributed to him about tearing down the plant and going in "to knock hell" out of the back-to-workers. However, he conceded he had broadcast from a sound truck that he and his followers of Clinton were "going to demonstrate to small towns that they are not going to push our members around."

He said he brought in the outsiders to "protect our members from being pushed around."

"Why didn't you call on the police and the Governor for protection?" Hoffman asked.

"If we had called on the Governor, he probably would have taken management's side," Mazey replied.

"We decided to take matters into our own hands."

All I say to you, Mr. Mazey, is if this is now, 1958, your stand on violence and illegal activity, I believe you are to be commended for it, but history does not bear out very well what you have said to be your past stand on these matters.

Mr. MAZEY. Senator Goldwater, I would like to answer all of the comments you have made. My position has never changed, in the matter of violence, since my early activities in the union. I fought hard for the union, I have walked many picket lines for the union. I have been pushed around by police, pushed around by scabs and thugs in trying to help build and maintain our union.

On the matter of the Huck Manufacturing strike, I believe I was arrested in that strike. I was found not guilty in court, and I think that it is unfair to place in the record a matter in which I was cleared. On the matter of the Clinton machine business, the Chicago Tribune always refers to strikers and workers as goons. I resent the term "goons." These were workers from the shop. We were there peacefully picketing in order to help maintain the morale of the Clinton machine workers who were employed by a very backward management. I recall very vividly some of my difficulty with Congressman Hoffman. I remember it was either in St. Joseph or Benton Harbor, I have in my files in Detroit a transcript of the hearing. You quoted something about "Without further outburst, Emil Mazey did" something. I would like to tell you about that incident.

This was a one-man committee that Congressman Hoffman was conducting by himself. When I sat down at the table, he was sitting at my left, and I sat in this position, and I asked him three questions. The first question was what the purpose of the inquiry was. The second question was what my rights were. I have forgotten what the third question was at this moment, but I do recall there were three questions.

Congressman Hoffman refused to answer my questions. He ordered the sheriff to take me out of the chair and he stood me in the corner like a little schoolboy. He finally thought it over and found out he made a mistake, and I went back to the witness stand. But the point where it talked about the outburst, I was merely asking for my constitutional rights, a right that any citizen has to ask before any committee of Congress.

I went back and we had a nice conversation. I remember one of the things that was said at the end of the conversation, he said "I suppose you are too old for me to change your opinions on matters," and I said, "Congressman, I think you are too old for me to change yours, too."

Senator GOLDWATER. I have just a few more short questions and we will finish, as far as I am concerned. This morning we were discussing the flower fund. I want to get back to that just a minute.

Mr. MAZEY. Did you check on yours during the lunch hour?

Senator GOLDWATER. Yes. And it doesn't compare in any way with yours. Mine that does exist is a voluntary fund, and the amount of it at the present time is $18, and I think 15 cents.

Mr. MAZEY. I have a clipping in my file that says they raised $70,000 for you at a dinner in Phoenix, Ariz., just recently.

Senator GOLDWATER. We are well organized out there, but unfortunately that didn't go to what you refer to as Goldwater's flower fund. Does this fund at the international level have any formal organization?

Mr. MAZEY. It has informal organization.

Senator GOLDWATER. How would you describe informal organization?

Mr. MAZEY. Well, I believe that one administrative assistant of each of the officers serves on a committee that handles the fund.

Senator GOLDWATER. Does one of yours serve on it?

Mr. MAZEY. Yes.

Senator GOLDWATER. Which one?

Mr. MAZEY. Jess Ferrazza.

Senator GOLDWATER. So possibly when Mr. Ferrazza is on the stand, if he comes, he could answer some questions on it?

Mr. MAZEY. I said this morning if you wanted a detailed report, we would furnish it to you.

Senator GOLDWATER. I thought we agreed that it would. Does it have rules or bylaws?

Mr. MAZEY. No, it hasn't.

Senator GOLDWATER. Does it have any officers?

Mr. MAZEY. No officers.

Senator GOLDWATER. Does it keep books and financial records?

Mr. MAZEY. I believe it does.

Senator GOLDWATER. That is all I have.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. Mr. Mazey, when we interrupted you the other day, in your sequel to your prepared statement which you finally made this morning, I was questioning you about this speech, the long recording. I want to take you back to page 11 of that, if you have it available.

Mr. MAZEY. I don't have it, I don't have the speech.

Senator MUNDT. It is not necessary, I think, that you do have, unless——

Mr. MAZEY. I recall the speech pretty well, and I think I can tell whether you are reading it accurately or not.

Senator MUNDT. If you have any doubt about it, I will be glad to have Mr. Rauh look over my shoulder while I read the one paragraph.

> I have always believed that people are either for you or against you. There aren't any other choices and you can't be impartial on these questions. And every person in the community whether they have an interest in the outcome of our struggle with the Kohler Co. or not, if they have any interest in the human race, ought to be informed on the issues in this struggle and ought to choose sides in this struggle. There isn't any middle ground. They are either for us or they are against us.

I wanted to direct some questions toward the philosophy that you enunciate in that statement, if you concur that it is a statement that you made.

Mr. MAZEY. Yes, I do, and I believe in the statement today. I think it is the same as our foreign policy, that you are either with us or against us. You can't have neutrals.

Senator MUNDT. Now, I have a strike bulletin here issued by the local union on August 16, 1954, which quotes from a speech which you made to a membership meeting.

Mr. MAZEY. Is that the same speech?

Senator MUNDT. No, this quotes—I don't know. It is from a speech made to your membership meeting, and if you deny you made it, we will go back to the source.

You are quoted in this strike bulletin:

> The people who have returned to work are traitors to our cause. They have joined the ranks of the enemy, and they ought to be treated as such.

Did you make that statement?

Mr. MAZEY. I think that I made a statement somewhat in that vein, yes.

Senator MUNDT. At least for the purposes of this inquiry, it is safe to say that that expresses your sentiments?

Mr. MAZEY. It does.

Senator MUNDT. That you consider nobody who disagrees with you and chooses to exercise a different point of view as an enemy?

Mr. MAZEY. No. I think that when you are engaged in a struggle for human rights, Senator, the people who betray you in that struggle are enemies. We have had Benedict Arnolds in our country, and we have had some in the labor movement.

Senator MUNDT. That is saying one thing, but saying anybody who is not for us is against you, that is a little different?

Mr. MAZEY. What is that?

Senator MUNDT. Saying that anybody who is not for you is against you is quite something different from what you have just said about Benedict Arnold. But how about somebody, Mr. Mazey, who never joined your union, and worked at Kohler, and just as long and just as hard as the men who did join the union?

As I understand it, something over half joined the punion, and something less than half did not join the union.

Mr. MAZEY. That is not correct, sir.

Senator MUNDT. What is correct?

Mr. MAZEY. There were about 3,300 people in the bargaining unit when the strike began, and there were over 2,700 members of the union. I think it was 2,785 or something like that.

Senator MUNDT. We will change my statement to say, "substantially over half of the people joined the union, and substantially less than half did not join the union," or perhaps around two-thirds joined the union, or something like that.

Mr. MAZEY. It is better than two-thirds. It is about eighty-some percent.

Senator MUNDT. At least we will agree that there were at least 20 percent that did not join the union, is that right?

Mr. MAZEY. That is a lower percentage.

Senator MUNDT. Now, let us take one of these men. He has a job, and a family, and a career of experience working in the plant. If he goes to work or if he went to work during that strike, do you consider him a traitor?

Mr. MAZEY. Yes.

Senator MUNDT. On what basis?

Mr. MAZEY. The purpose of the strike is to improve the wages and working conditions for all of the workers in the plant, whether they are members of the union or not. Anyone who aids the company, who makes it more difficult to achieve economic and social justice at the bargaining table, are betraying the cause of all of those workers, and therefore they are traitors.

Senator MUNDT. I can see by a somewhat tenuous line of reasoning you might assume that anybody who belonged to the union and went back to work could be considered a traitor, because he would be violating the majority rule of his club, or his fellows, or his fraternity, or his organization, or his bargaining unit. But I can't see how by any stretch of the English language you can call a man a traitor who didn't join the union, who had been working there for 20 years and he simply wanted to work the 21st year. You closed him out and he tries to get back in and go to work, and if he succeeds, you call him a traitor, and on what basis?

Mr. MAZEY. The purpose of the strike, Senator, is to improve living status of all people.

Senator MUNDT. That undoubtedly is the purpose.

Mr. MAZEY. For union members and nonunion members. When we negotiated the contract in 1953 without a strike, the 12-cents-an-hour increase, which I helped negotiate, and the fringe benefits amounted to 6 cents an hour. All of these benefits helped every worker in the plant, whether he was a member of the union or not.

When the struggle takes place between an arrogant, backward employer such as the Kohler Co., and the union is seeking economic and social justice, any worker who does anything that in any way hurts his fellow workers is a traitor to the cause.

Senator MUNDT. Mr. Mazey, that being the point, as soon as you get outside of the ranks of the union members, it seems to me that you are in a completely untenable position.

As an important union leader of this country, I think it is important that we get into the record just exactly what your attitude is.

Mr. MAZEY. You and I have a difference of opinion on the matter, and I have expressed my opinion.

Senator MUNDT. Yes, and I am going to ask you some further questions about your opinion.

You identified the illustrious young man at your right as an expert in the field of civil rights and minority problems, is that right?

Mr. MAZEY. That is correct, and he has that reputation, and it is well deserved.

Senator MUNDT. I am not denying that.

Mr. MAZEY. Good.

Senator MUNDT. I am simply pointing out that you yourself said that you had done some things that you considered commendable in this same general area of civil rights and minority rights.

Mr. MAZEY. Yes. I worked in this field and I am a member of AFL–CIO civil liberties and civil rights committee, and I am chairman of the civil rights committee of the UAW.

Senator MUNDT. One of the basic premises of which, I presume is, and if it is not your expert at your side can correct me, one of the basic premises of that is that minorities have rights?

Mr. MAZEY. Yes, minorities have rights.

Senator MUNDT. Usually the majority can take care of itself in this world, isn't that right? It is the minority that needs protection?

Mr. MAZEY. Sometimes the minority has difficulty, too.

Senator MUNDT. And we have constitutions, isn't that correct?

Mr. MAZEY. Sometimes the minority has difficulty, too, but minorities have the most difficulty, I will agree with you.

Senator MUNDT. Now will you explain to me how in the world you arrive at this conclusion on a minority worker who is just as good an American as Emil Mazey or any of the strikers, or Mr. Kohler or anybody else in the room?

A minority worker, the only thing wrong with him is he doesn't quite agree with the fellows who joined the union as to the best way in which he can advance himself as an operator, and as a worker in the company.

Where do his rights come in, if you are going to dub him as a traitor and deny him his right to work and lock him out, intimidate him, and call him a scab? What rights has he? Who is protecting them?

What happens to Mr. Rauh's organization, and to you and to that individual?

Mr. MAZEY. We went through a very costly war just a short time ago, and over 30 percent of the Kohler workers took part in that struggle, and they were members of the Armed Forces.

Now if we had people that were opposed to participating in the war, and if they were aiding the enemy, we certainly would call them traitors, wouldn't we?

Well, this struggle against the Kohler Co. was a struggle for the same kind of freedom and decency we were fighting for all over the world, and anybody that was impeding our efforts in trying to win that freedom and that justice that the workers of the Kohler plants deserve is in the same category as someone who would be fighting against the interest of our country in a war.

Senator CURTIS. Would the Senator yield at that point?

Senator MUNDT. Yes.

Senator CURTIS. In that connection, just what you said here, it is reported in the Milwaukee Journal of August 16, 1954, referring to or quoting you as referring to nonstrikers, and I quote: "They have joined the ranks of the enemy, and they ought to be treated as such. During the war, when they joined the enemy, they were shot when convicted." Did you say that?

Mr. MAZEY. I don't recall specifically, but I may have.

Senator CURTIS. That is all.

Mr. MAZEY. I wasn't suggesting that anybody be shot.

Senator MUNDT. You subscribe to the statement, though?

Mr. MAZEY. Yes.

Senator MUNDT. You started talking about a war, and there are two things I would like to say about that: First of all, when you go to a war, that is a majority determination of the representatives of the people in the country and the Congress.

Mr. MAZEY. There was a majority determination by the Kohler workers to strike, too.

Senator MUNDT. No, there was a majority vote on the part of the union, and we have established in the record that less than a third or about a third of the workers voted for the strike.

(Witness conferred with his counsel.)

Senator MUNDT. Mr. Rauh may correct that if I am wrong, but I think we agreed on that substantially the other day.

Mr. MAZEY. I think it has been pointed out, and if you look back at the newspaper clippings, and I don't happen to have my finger on it, therewere about 2,500 people who attended the membership meeting in which they voted to go on strike.

Now the number who actually stayed to cast their ballots was smaller than that, but before they went on strike there was a membership meeting on April 4, in which 2,500 people reaffirmed their decision they had made previously on the question of the strike.

Senator MUNDT. Now you beg the question, Mr. Mazey.

Mr. MAZEY. The majority of people voted to strike.

Senator MUNDT. I have as much right to assume those who went away would have voted "no" as you have a right to assume those who went away voted "yes." But we are talking about those who voted, and of those who voted, a third of the workers voted to strike.

Mr. MAZEY. You don't have a right to assume that at all because to begin with the first motion placed at the meeting on April 4, I think we can find the clippings to prove it to you, there were press at the meeting and they were present while this took place, was whether or not they ought to accept the company's last offer, and I think only 1 worker out of the 2,500 at the meeting voted for it.

So at this point it became quite obvious that they would not accept the company's last offer and a strike would take place. When you have that kind of demonstration by a show of hands, and only one worker is in that position, I think it is reasonable to assume that many workers didn't stay to vote because they knew what the outcome would be, because they could see it.

Senator MUNDT. I am not too much impressed, Mr. Mazey, by a show of hands vote in an emotionally packed auditorium. I am impressed by a secret ballot, and I think that I commended an earlier witness on the fact that this strike was authorized by a majority of those who voted in secret ballot.

That impresses me, but a show of hands in an emotional audience, following some impassioned oration by Emil Mazey or Bob Burkhart or someone else, that leaves me kind of cold.

Mr. MAZEY. Senator Mundt, at this point I would like to deal with this specific question. Somebody showed me a bill that you are planning to introduce on the question of strike votes being taken. I would like to refer you to the experience of the Smith-Connolly Act.

This act was in effect from July 1, 1943, to December 28, 1945, and a good part of these votes were taken during the war.

The NLRB conducted 2,168 polls, and in 1,850 of these polls the workers voted to go on strike, or 85.3 percent. There were 2,923,655 workers eligible to take part in these elections, and there were 1,926,811 valid ballots cast, or 65.9 percent of the total number of workers eligible to vote. And of those who voted, 1,593,937, or 82.7 percent voted in favor of striking.

Now I think that you have the mistaken opinion or impression that labor leaders somehow have some magic, and they press buttons and people automatically go on strike. Strikes are the result of working conditions inside the plant, and during a period of war when the Smith-Connally Act was in effect, workers expressed their disgust in secret ballots conducted by the Government in favor of strike action and they were protesting against the conditions inside the plants at that time.

I think that you ought to examine this record because it shows very clearly that where the workers are given an opportunity of voting in Smith-Connally ballots, or in any othre way, when they vote to strike they are striking because conditions in plants are bad.

I think the Smith-Connally Act was revoked because Congress felt it was unnecessary from the results of these figures which I have just quoted.

Senator MUNDT. I thank you for that very eloquent and persuasive testimony in support of my bill, and I hope that that is what it was meant to imply.

Mr. MAZEY. That is not in support of your bill.

Senator MUNDT. It is the best evidence I have had so far, and I am delighted to have it in the record.

Mr. MAZEY. I think it is unnecessary, Senator, and that is why it was removed. There was another bill which I think you voted for, the Taft-Hartley law, and if I may at this time, I would like to make a comment on that.

Senator MUNDT. Make it rather brief. We are not dealing with that.

Mr. MAZEY. One of the provisions of the Taft-Hartley Act when it was passed in August of 1947, was that in order to be able to bargain for a union shop, that the NLRB had to conduct an election, and the workers, a majority of those in the bargaining unit, had to vote in favor of the union shop before you could even talk about it.

Senator MUNDT. By secret ballot?

Mr. MAZEY. By secret ballot. The National Labor Relations Board conducted 46,146 elections, and workers voted for a union shop in 44,823 of these elections, or 97.1 percent.

Among those eligible to vote, there were 6,545,000 workers eligible to vote, and there were 5,548,982 valid ballots cast. Of the 5,548,982, 5,073,242 voted in favor of the union shop, or 91.4 percent of the workers who voted, voted in favor of the union shop.

I think the labor men made a tragic mistake in revoking this part of the Taft-Hartley law, because, if this was still in the act I think we would be better off by far as right-to-work laws are concerned at the present time.

I think we made a mistake, and I wish we could undo that mistake.

Senator MUNDT. I think you made a lot of mistakes in connection with the Taft-Hartley law, and you have found many of those features are not as bad as you dubbed them when you called it a slave labor act.

Mr. MAZEY. There are still a lot of features of the "slave labor act" and one of the features of that law, which is giving us some difficulty at Kohler, Senator Mundt, is the "slave labor act" that President Eisenhower referred to in 1952 when he promised to amend this act to remove the provision that would permit strikebreakers to vote and strikers not to vote. That is one part of the Act that ought to be amended very, very quickly.

Senator MUNDT. Did you testify in favor of that repeal in 1951?

Mr. MAZEY. I didn't, but I think President Reuther did.

Senator MAZEY. The organization did?

Mr. MAZEY. Yes, sir.

Senator MUNDT. Which you now say was a mistake?

Mr. MAZEY. Yes. Oh, no, I am talking about the "slave labor act." The provision of Taft-Hartley law is where a strikebreaker replaces a striker, he can vote, but the striker can't vote, and I say that is unjust.

Senator MUNDT. I would think, if what you say is a statement of fact, it sounds unjust to me, if you say a strikebreaker can vote and a striker can't vote.

Mr. MAZEY. That happens to be the provisions of the law.

Senator MUNDT. That doesn't seem to make sense to me, either.

Mr. MAZEY. I hope that when this comes up, that you will vote to amend it.

Senator MUNDT. Maybe we can put it in my bill, that you are going to support with me, providing for secret ballots, because they worked out so well in the past.

Mr. MAZEY. Maybe you and I could sit down and come up with a Mazey-Mundt bill, or a Mundt-Mazey bill.

Senator MUNDT. It might be all right. I am willing to try.

The CHAIRMAN. Can we take a recess until Monday while you folks work this out?

Senator MUNDT. It might take a little longer than that.

Mr. Mazey, you were talking about this war.

Mr. MAZEY. I am sorry, sir. I thought we were recessed and I didn't hear the beginning of your question.

Senator MUNDT. I think not, and I think the chairman was just having a little levity at our expense.

Mr. MAZEY. I am ready for a recess.

Senator MUNDT. I think we are all getting ready for a recess as far as that is concerned.

Do you recognize the right of conscientious objectors in time of war?

Mr. MAZEY. I do.

Senator MUNDT. Not to fight?

Mr. MAZEY. I do.

Senator MUNDT. But you deny the conscientious objectors to labor unions. How do you reconcile that?

Mr. MAZEY. I don't think there is any similarity to the two things at all.

Senator MUNDT. You are the one who brought the analogy in about the war.

Mr. MAZEY. Senator ——

Senator MUNDT. I can't understand. You start out ——

Mr. MAZEY. We have a policy where there are some people, for religious reasons, who don't want to pay dues in the organization, and we have agreements with the Mennonites and other groups that permit them to make a donation to the union that goes into a charity. We have that, but it comes to strikes, the agreement also provides that although they are conscientious objectors as far as belonging to labor organizations, they will not scab or do anything to harm the union in a period of a strike.

Senator MUNDT. Well recognizing, as you do, and I think that you should, the right of conscientious objectors not to go to war, that is an accepted American concept and I don't see how in the world you can relate that to the fact that you call a man who had a job and who wants to continue working at his job, who never joined the union, and he kept out of this and he had nothing to do with the situation and he isn't bound by it, and he wants to continue to work to support his family, and you call him a traitor because he is a conscientious objector to the union movement.

You wouldn't call a conscientious objector to war a traitor, would you?

Mr. MAZEY. I don't think that there is any comparison of the two things. I think, Senator Mundt, if you ever worked in a sweatshop plant and you were fighting for decent working conditions and for senority and better wages, in order to improve the status of you and your family, you would have a different attitude on this question.

It is awfully hard to explain these things to people who haven't had a struggle for a livelihood in these sweatshop plants around the country.

Senator MUNDT. I have done my right share of laboring, but I don't think I have worked in a sweatshop. And I don't think we have any sweatshops in South Dakota.

The CHAIRMAN. Some of us have worked enough to sweat, I can assure you of that.

Mr. MAZEY. I have, too, Senator. I have done a lot of sweating in my time.

Senator MUNDT. I think this is important, because we have 800 acts of violence or alleged violence.

Mr. MAZEY. But they are not our responsibility, and I refuse to accept them as our responsibility.

Senator MUNDT. Except insofar as you stir them up by talking to these people who respect you, as a very talented and able and articulate labor leader. You give speeches which are being broadcast, and issuing statements.

You are telling them:

If you are not for us, you are against us. If anybody tries to get a job in here, he is a traitor.

Now, it seems to me that in the tense situation such as you have all agreed existed, that is the only place that you and Kohler ever agreed so far, you had a tense situation in Sheboygan.

In that kind of state, it seems to me that you should treat people who work as your enemies and traitors, might well induce some of your listeners to engage in the kind of action for which you refuse to accept responsibility.

Mr. MAZEY. Senator Mundt——

Senator MUNDT. Is that a responsible hypothesis?

Mr. MAZEY. No; it isn't. I abhor violence, and I am against it because I have been on the receiving end of violence and so have the leadership of our union. In the struggle for progress throughout the history of the world, there has been violence.

The Boston Tea Party was not a peaceful event and neither was the Revolutionary War. But we are better off as a result of those two events having taken place.

When people are emotionally aroused as they are here and when they are fighting for their jobs, when they are fighting for their families and fighting for their very existence, emotions are apt to be high, and they are bound to be high. Unfortunate incidents are bound to take place, particularly when you have a management that refuses to arbitrate and refuses to settle honest differences of opinion that we can't settle across the bargaining table, and you are bound to have emotions and feelings.

I want to remake the offer. We are prepared to have this committee or a segment of this committee serving as private citizens or you name an arbitrator and we will abide by their decisions. But when you talk in this atmosphere, there are bound to be problems.

I even know of a Republican convention in which Republican leaders were pushed off the platform. They did not conduct themselves as gentlemen, as they should.

Senator MUNDT. Has your experience in politics been limited to Republican conventions, Mr. Mazey?

Mr. MAZEY. No; I am interested in all kinds of conventions, and I like conventions.

Senator MUNDT. I have not seen you in many of ours.

Mr. MAZEY. I have not been invited.

Senator MUNDT. Can you think of any good reasons why? I can.

Mr. MAZEY. I am not sure that your reasons are good reasons, Senator.

Senator MUNDT. Well, I think that a man as articulate as you with a fine vocabulary, dedicated to peace, and abhoring violence, should be able to think of some better language to employ in trying to keep these workers from engaging in violence and saying, "They have joined the ranks of the enemy and they ought to be treated as such. During the war when they joined the enemy, they are shot when convicted."

Mr. MAZEY. Senator, I suggest——

Senator MUNDT. Could you not find a better way to cool off those members?

Mr. MAZEY. I suggest you look at the Congressional Record and see some of the speeches Senators made during the last war. My speech by comparison will be tame.

Senatro MUNDT. You are talking about nonstrikers, and this item Senator Curtis read, this is a speech you gave about nonstrikers and it had nothing to do with the war, except you have tried to make an anology.

Mr. MAZEY. On the same basis.

Senator MUNDT. You hop in and out of this analogy at your convenience, by the way.

Mr. MAZEY. The same basic issues are involved. We send people all around the world, to the Philippines and Japan, and Europe to fight for freedom and democracy and decency. And then when you have these people come back—you teach them how to kill and you put guns in their hands, and they are fighting for decency at home, and there is bound to be a few bloody noses, and people are bound to be pushed.

What do you expect these people to do after you teach them how to fight and how to kill?

Senator MUNDT. Are you a conscientious objector?

Mr. MAZEY. No, sir; I was in the service.

Senator MUNDT. Are you a pacifist?

Mr. MAZEY. No, sir.

Senator MUNDT. You are not complaining because you have to put a gun in a man's hand to fight?

Mr. MAZEY. No, but I am just pointing out to you that if you teach people it is good to go to Japan and Germany and elsewhere to fight for democracy and decency and humanity, then when these people come home and they are fighting for their same standards, and people stand in their way, the same as the people in Hitler's army and Mussolini's, and Japan—what do you expect these people to do?

Senator MUNDT. That is what I was afraid you were implying when you tried to make this analogy, and said that if they joined the enemy they are shot when convicted.

I was afraid you would convey precisely that attitude to these people.

Mr. MAZEY. There is a part of the quote that is not in the speech. I said, "I am not suggesting that you go home and get your squirrel rifles."

That is not in the speech. I did not suggest any violence, that was not the intent of it. I suggested they ought to talk to these people and try to convince them of the justice of our cause.

Senator MUNDT. I believe if you would read the life and biography of Mahatma Ghandi, you would find less violent ways to express peaceful thoughts than this.

Mr. MAZEY. I think Mahatma Ghandi did a great deal toward achieving freedom and liberty for the people of India, and they were extremely patient.

Senator MUNDT. Back to the point at issue, we are clear on this, I guess: You consider everybody must support the position of your union, or be against it. There is no place for a neutral corner in this controversy when strikes take place?

Mr. MAZEY. That is right. I think they are for us or against us. I think people ought to be counted, and ought to stand up and be counted.

Senator MUNDT. Do you apply that to the citizens of a community in general or just to the workers?

Mr. MAZEY. I think everybody. The outcome of the strike in Kohler has an effect on the community.

Senator MUNDT. So that everybody who speaks——

Mr. MAZEY. It helps the butcher and the baker and candlestick maker and it helps everybody.

Senator MUNDT. Your speech said, "Every person in the community, if they are not for us, they are against us."

Mr. MAZEY. That is right.

Senator MUNDT. And you believe that is the way they should be?

Mr. MAZEY. Yes, sir.

Senator MUNDT. Every newspaperman?

Mr. MAZEY. Every newspaperman.

Senator MUNDT. Should be for you or against you?

Mr. MAZEY. A newspaperman isn't a free agent all of the time, and he happens to have a publisher and he happens to have a managing editor.

Senator MUNDT. All right, the publisher?

Mr. MAZEY. And he might be sympathetic to you but a newspaperman has to report the facts as he sees them.

Senator MUNDT. Every published should be for you or against you?

Mr. MAZEY. In this particular case, the publisher has been against us in Sheboygan. It is a 1 newspaper town.

Senator MUNDT. He met your criteria all right?

Mr. MAZEY. He sure did.

Senator MUNDT. He took sides?

Mr. MAZEY. Yes, sir.

Senator MUNDT. Every school teacher should be for you or against you?

Mr. MAZEY. Yes, I think so.

Senator MUNDT. No more objective teaching in the public schools—you either teach the union is right or the union is wrong?

Mr. MAZEY. As I said, on any specific issue, I think the community has a right to express itself and should.

Senator MUNDT. We are getting down to the community and we are taking care of the publishers and the newspapermen and the teachers. How about the preachers?

They have to be for you or against you?

Mr. MAZEY. I think we spent enough time on the preachers yesterday.

Senator MUNDT. You assumed they are against you. How about the judges? Every judge has to be for you or against you?

Mr. MAZEY. Well, I don't think that this is proper. I think——

Senator MUNDT. This is your speech and I am just asking you, and you subscribe to it and I didn't make it.

Mr. MAZEY. On the question of judges——

Senator MUNDT. If you want to tell me, "I don't think that I like it"——

Mr. MAZEY. They have to be impartial, and you are breaking this down to some very fine points.

Senator MUNDT. They live in the community.

Mr. MAZEY. Obviously you can't apply it to every segment of the community. Judges have to be impartial and that is all we ask, is equal treatment before the law.

Senator MUNDT. Everybody in the community except the judges has to be for you or against you? Do you want to change it to that extent, is that right?

Mr. MAZEY. It may be idle to sit down and draw up a list of people in the community who may be able to be neutral because of their particular position in the community. I was speaking in a general sense. I am talking about in a general sense.

Senator MUNDT. Your speech says "every person."

Mr. MAZEY. I think that you know what I mean.

Senator MUNDT. You are going to back away from it a little bit?

Senator ERVIN. If there is not too much objection from the committee, I am going on strike for the rest of the afternoon.

The CHAIRMAN. Without objection, Senator Ervin is excused for the rest of the afternoon.

Senator MUNDT. Mr. Mazey, were you aware that these strike bulletins were being issued?

Mr. MAZEY. I was.

Senator MUNDT. Who financed them?

Mr. MAZEY. They were financed out of the strike fund.

Senator MUNDT. The International Union funds?

Mr. MAZEY. That is right.

Senator MUNDT. Do you feel those statements were inflammatory or were they part of your program of nonviolence?

Mr. MAZEY. Senator, the strike was 47 months old this week, this March, and a bulletin was issued every day of the strike, 365 days of the year, so there have been over 1,400 bulletins issued and I haven't read all 1,400 bulletins, and so I don't know what you have reference to.

Senator MUNDT. In the main would you say these were intended to keep things from getting out of hand, or intended to stir up people?

Mr. MAZEY. The purpose of the strike bulletins, basically, was to give the strikers information on negotiating activities and other activities in relation to the strike.

Senator MUNDT. I think we have had some testimony, Mr. Mazey, that it could be hiring secret agents. Isn't that correct?

Mr. MAZEY. That is correct. I didn't make the statement. Mr. Conger admitted that on this stand before this very mike.

Senator MUNDT. He testified that the company hired them?

Mr. MAZEY. That is right.

Senator MUNDT. Did the union have any secret agents in the plant during the strike?

Mr. MAZEY. We did not, and I wish that we had.

Senator MUNDT. You did not?

Mr. MAZEY. We did not.

Senator MUNDT. I quote to you from strike bulletin issued June 25, 1954:

> The secret agents are handing in reports about the new independent union being informed inside the Kohler fortress.

Why did you tell the people of Sheboygan that you had them if you didn't have them?

Mr. MAZEY. I think there may be an interpretation of what you mean by the term "secret agents." We had sympathizers inside the plant, some of the office force and elsewhere, and some of these people——

Senator MUNDT. There was no evil connotation, and I would consider they were secret agents, and I suppose that is what the company had on your side.

Mr. MAZEY. We didn't pay these people, and they were sympathetic to the strike, and they had to go to work in order to protect their jobs, and we did receive some information.

(At this point, the following members were present: Senators McClellan, Mundt, Curtis.)

Senator MUNDT. Then you did have secret agents at the time. We were not talking whether they were paid or not. But you had secret agents.

Mr. MAZEY. They weren't agents. They were people who occasionally gave us information because they were sympathetic with our cause. I think whoever wrote the bulletin got carried away with themselves.

Senator MUNDT. I think that is the trouble with most of these bulletins. The fellow got carried away with himself, and the people got carried away, and we had 800 acts of violence.

Mr. MAZEY. I don't think you can attribute that to the union, Senator.

Senator MUNDT. I am not doing that. You say you have not seen a paint bomb. But I am pointing out that you said that the writer of the bulletin got carried away with himself, and Emil Mazey got carried away with himself.

Mr. MAZEY. Maybe we can get one of the people who threw a paint bomb against the car of a striker to appear here and tell us how they are made. Maybe he has a supply of them.

Senator MUNDT. The only paint job I remember being thrown against a car of a striker was——

Mr. MAZEY. I believe it was Bonanse. You ought to have him here. Maybe he can produce this paint bomb. I would like to see it, too.

Senator MUNDT. We are on the subject of secret agents. The company had them and you had them.

Mr. MAZEY. This is getting to be a real thriller, isn't it?

Senator MUNDT. I am quite prepared to admit that in both cases there is no particular evil connotation. It seems to me that if I were either a company man or a union man, and I am neither——

Mr. MAZEY. It makes a big difference, Senator. And I wish you would take the time to read the La Follette committee reports. There was over $82 million spent in 1937 for spies of the Berghoffs, the Pinkertons, and the other agencies, to spy on our union, and make it impossible to organize our plants.

This became an unfair labor practice.

Senator MUNDT. How much money?

Mr. MAZEY. $82 million in 1937 alone.

Senator MUNDT. The Kohler strike?

Mr. MAZEY. No, I am talking about industry as a whole. The General Motors Corp. had agents, Chryslers had agents, Ford had agents. All these companies had agents.

Senator MUNDT. Sure. Walter Reuther had agents, Hoffman had agents. This is a business in which you had agents, I suppose.

Mr. MAZEY. We haven't had agents, we haven't had people spying on any company, but they have been spying on us. They have been in our picket line. It was admitted here that they have been in our soup kitchen. They have probably been in our headquarters. They followed me around and followed Burkhart around. The spying has been done on the part of the company, not on the part of the union.

Senator MUNDT. I am quoting the man who paid for the bulletins what the bulletins say.

Mr. MAZEY. I think it was an improper choice of language.

Senator MUNDT. It is your language.

Mr. MAZEY. That isn't my language. I didn't write the bulletin.

Senator MUNDT. But you paid for it.

Mr. MAZEY. I pay for a lot of things I don't like. Some actions that take place in the Senate I don't like, that I help pay for.

Senator MUNDT. "Secret agents are handing in reports about the new independent union being formed inside the Kohler fortress."

Mr. MAZEY. I think the person who wrote that must have been watching too many of those TV dramas.

Senator MUNDT. You are not going to try to tell me, Mr. Mazey, that it is written by the Kohler Co. now.

Mr. MAZEY. No, I am not saying that. I am saying it is a poor choice of words, and I think he got carried away with himself. He thought of a certain amount of drama involved in this thing.

Senator MUNDT. In the same bulletin, it says "Agent Q"—this gets to look like a thriller. "Agent Q"—I am quoting language paid for by Mr. Mazey, not written by Kohler or Senator Mundt.

Mr. MAZEY. It isn't paid for by Mr. Mazey. It is paid by the million and a half members of the UAW.

Senator MUNDT. You happen to authorize it and sign the checks, or did you have a checkwriting machine, like Dave Beck?

Mr. MAZEY. Please don't compare me with Dave Beck or Jimmie Hoffa.

Senator MUNDT. I am making no comparison. But you might as well have a checkwriting machine if you have to write checks for a million and a half people.

Mr. MAZEY. We do have a checkwriting machine, and I am sure the Secretary of the Treasury does not sign every check issued here.

Senator MUNDT. But while on that subject, would you say that the Secretary of the Treasury has the responsibility for the checkwriting machine signing his signature?

Mr. MAZEY. Yes, absolutely.

Senator MUNDT. Now,

Agent Q reports that the Kohler Co. insists that the various trucking companies cross our picket lines with material or they will suffer the company's displeasure in future business.

That sounds like an agent's report. It doesn't sound like——

Mr. MAZEY. It sounds like some sympathizer of the strike giving us some information. There are people that are still working for the Kohler Co. who don't like the company, who don't like the treatment they are getting. They have relatives who are on strike, and they pass information to them. But they are not spies. We don't pay them. We don't hire them. We have no detective agency working in the plant. We have no Gestapo as the company has had checking on 750 men.

Senator MUNDT. It is possible, I suppose, among reasonable men, to assume that this possibility is through, that there were people on strike that didn't want to be on strike, and carried information back to the company.

Mr. MAZEY. That wasn't the testimony. Mr. Conger hired people to spy on our unions, spy on our picket lines, spy on our soup kitchens, follow us around. That is an unfair labor practice.

Senator MUNDT. Now we come to June 28, 1954.

Mr. MAZEY. What agent is this?

Senator MUNDT. This is Secret Agent U–2.

Reports that one general supervisor told his unwilling son that either he goes to work at Kohler or he wouldn't continue to pay his college expenses.

It sounds like a report of a secret agent.

Mr. MAZEY. Unfortunately, Senator, that is one of the tragedies of this strike, that families have been split up, fathers and sons have been divided, husbands and wives have been divided, brothers have been divided, and that is why I am anxious to settle this strike. Maybe you can help convince the Kohler Co. management to accept our offer of arbitration this morning. Let's get this thing out of the way.

Senator MUNDT. Still it doesn't eliminate the fact that Secret Agent U–2 was making reports, and that Emil Mazey paid for bulletins speaking for the million and a half UAW members who paid for it.

Mr. MAZEY. I am sure that was gossip or hearsay or matters of this type. It sounds kind of juicy, to me, the way it is written up.

Senator MUNDT. You have a lot of them. I don't know how many secret agents you say Kohler had, but you had quite a few. From June 29, 1954——

Mr. MAZEY. I am willing to say now, Senator, that we didn't pay anybody to spy on the Kohler Co.

Senator MUNDT. I don't think the matter of paying is important at all. It is a man's loyalty. You and I know, I assume you know, that some of the most vicious anti-American Communist agents in this country don't operate for gold. They operate because they have misplaced loyalty. It isn't a matter of money.

Mr. MAZEY. That is true. Some of them are scabbing on the job.

Senator MUNDT. Do you want to dilate on that statement a little bit? That is a peculiar statement.

Mr. MAZEY. You have paid informers and you have unpaid informers. An unpaid informer is a scab.

Senator MUNDT. Did you have scabs?

Mr. MAZEY. Well, you are calling them scabs now.

Senator MUNDT. You are calling them scabs.

Mr. MAZEY. I think you understand my remark.

Senator MUNDT. You say you have scabs working in the plant. You say there are scabs who are informers who are not being paid. It is your language, not mine.

Mr. MAZEY. You have your right to your interpretation, but I think you know what mine is.

Senator MUNDT. I am learning about yours as I read the secret agents' report of the strike bulletins.

Next is the strike bulletin of June 30, 1954. This is almost a daily rundown.

Mr. MAZEY. I have an idea how to pay for this strike. I think I will publish those and have a best seller perhaps.

Senator MUNDT. This is Secret Agent U–2.

Cleared up a mystery when he informed us that Lyman C. Conger's middle initial stands for Columbus.

I can see why you wouldn't pay very much for that.

Mr. MAZEY. That is quite a discovery for that.

Senator MUNDT. Yes. So it goes. On July 1, Secret Agent S makes a report, on July 10 Secret Agent Q–2 makes a report.

Mr. MAZEY. I am sure they were trying to be funny and try to maintain the morale and humor of the pickets and the strikers.

Senator MUNDT. It sounds kind of that way, when you read these reports. Secret Agent U–2 on July 17 comes back with his second report. He was pretty active. He makes another one on July 28. He says on July 28—

Secret Agent U–2 reports that Herbert V. Kohler has authorized the printing of 75,000 copies of the company's propaganda regarding Gov. W. J. Kohler's suggestion to submit the contract issues to arbitration.

I think just to keep the thing in balance is the only reason for mentioning this.

Mr. MAZEY. I think you put it out of balance, Senator.

Senator MUNDT. I don't think there is any use in denying or admitting that either one of you have secret agents. There has been testimony to the effect that the company had them. I wanted to quote your own source. You not only had them, but you were advertising their accomplishments.

Mr. MAZEY. We didn't have secret agents. Somebody got carried away with a mischoice of words. Mr. Conger knows the meaning of spies and agents. He admitted he hired detective agents here. I hope you go into that in greater detail. I would like to know what period of time I was being followed.

Senator MUNDT. I am interested in every aspect.

Mr. MAZEY. I hope you question Mr. Conger as well as you question me when he gets on the stand.

Senator MUNDT. I am a little disappointed to find you fraternizing with scabs after all of the things you said about them. Mr. Burkhart calls them germs. He talks about their being shot in the back—not in the back, but just shot. It seems like a scab is no different for whom he works; is that correct?

Mr. MAZEY. Senator, I am interested in your comments. I am going to give you a chance to finish your speech.

Senator MUNDT. I have no speech. I am asking a couple of questions here to clarify the record. I appreciate your responses. The general tenor of the strike bulletins, and that was the main reason I brought these in, Mr. Mazey, in conjunction with your speeches and the speeches of Mr. Burkhart, it seems to me, tended to help create additional tenseness in this situation.

Mr. MAZEY. Do you think speech that you heard yesterday was a provocative speech?

Senator MUNDT. In part, yes.

Mr. MAZEY. I thought it was a pretty good speech, myself.

Senator MUNDT. I didn't say that. It was good and provocative in places. It was a pretty good speech. I know something about speeches. It was a pretty well prepared speech. I don't know if it was better than Burkhart's; it was pretty good. But both of you gave pretty good speeches as far as a definition of a speech—which is a vehicle to achieve an objective—is concerned. I think it was a well-constructed vehicle to achieve some of the objectives that you mentioned.

I wanted to conclude this series of questions, Mr. Chairman, by saying that I guess the record is clear where I wanted it to be cleared; that I completely dissent from the position that in a strike in a community everyone has to be for or against the strike.

I think there is still a place in this great society of ours for people who will look objectively to those things and try to find out who is right.

The CHAIRMAN. Are there any further questions?

The committee will require your presence, I am sure, Monday.

We will stand in recess.

Mr. MAZEY. Are you going to meet Monday morning, Senator, can I ask, so I can know how to arrange my schedule?

The CHAIRMAN. The committee will stand in recess until 2 o'clock Monday afternoon.

The Chair will make the further announcement that next week the committee will have to meet in room 357, instead of this room.

(Whereupon, at 4:50 p. m. the hearing was recessed, to reconvene at 2 p. m. Monday, March 10, 1958. The following members of the committee were present at the recess: Senators McClellan, Curtis, and Mundt.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

MONDAY, MARCH 10, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 2 p. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in room 357, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator John F. Kennedy, Democrat, Massachusetts; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Pat McNamara, Democrat, Michigan; Senator Barry Goldwater, Republican, Arizona; and Senator Karl E. Mundt, Republican, South Dakota.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John J. McGovern, assistant counsel; and Ruth Youth Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were Senators McClellan, Ives, Ervin, Goldwater, and Mundt.)

The CHAIRMAN. I think the Chair may announce some good news for most of you who are present. I understand that the caucus room has now been released to the committee for the remainder of this week. We will be able to move back into the caucus room tomorrow. The committee could have moved this afternoon, but I understood that those of you who have considerable equipment here might not have been able to make the change as quickly as the committee had received the word.

While we are in this small room, the Chair will ask your wholehearted cooperation in keeping as good order as possible, and in making allowances for the cramped conditions under which we are having to labor. If we will all work together, I think that we can expedite our work and move along. I am sorry that we cannot accommodate many guests who would like to be present, but it is a situation that we have to endure for at least this afternoon.

All right, Mr. Counsel. Is Mr. Mazey to return to the witness stand?

Mr. KENNEDY. That is correct, Mr. Chairman.

The CHAIRMAN. Will you come around?

TESTIMONY OF EMIL MAZEY, ACCOMPANIED BY JOSEPH L. RAUH, JR., COUNSEL—Resumed

The CHAIRMAN. Mr. Counsel, do you have any questions of the witness?

Mr. MAZEY. Mr. Chairman, last week there were a number of items asked of me which I am now prepared to give the committee. Senator Goldwater asked for a comparison of the wages.

The CHAIRMAN. Just a moment. The microphone is not working, and I don't know whether this is intended to be a microphone or not. All right; you will have to speak a little louder.

Mr. MAZEY. I will take a deep breath and blow it out, then. Last week Senator Goldwater asked for a comparison of wages currently paid by the Kohler Co. and its principal competitors. I have some information on this that I would like to submit to the committee as an exhibit, and I would like to read it.

The CHAIRMAN. Is there objection to the committee receiving the information?

The Chair hears none, and the information will be received and will be made exhibit No. 47.

(Document referred to was marked "Exhibit No. 47" for reference and may be found in the files of the select committee.)

The CHAIRMAN. You may refer to such parts of it as you desire.

Mr. MAZEY. This is labeled, "Table 1: Comparison of wages currently paid by Kohler Co. and its principal competitors."

There are four columns on this exhibit. One is the Kohler Co.; the second is the American Standard & Sanitary Co.; and the third is Universal Rundle, which happens to be located in Milwaukee, Wis.; and the fourth is Briggs Beautyware, which is located in Detroit.

The hiring rate at Kohler is $1.20 an hour; at American Standard, $1.71; at Universal Rundle, $1.70; at Briggs Beautyware, $2.01.

The sweepers rate at Kohler is $1.56; American Standard, $1.71; Universal Rundle, $1.80; and Briggs Beautyware, $2.11; electricians at Kohler Co., $2.18; American Standard, $2.37; Universal Rundle, $2.53; and Briggs Beautyware, $2.87; truckers at Kohler Co., $1.75.

Senator MUNDT. So you can make a better comparison, this is all old stuff to you but it is new to us.

I notice Kohler Co. is located in Sheboygan, Wis., and would you tell us where Standard is located and where Universal Rundle is located, and where Beautyware is located?

Mr. MAZEY. I have already made those announcements, but I will be glad to repeat it.

Senator MUNDT. I didn't hear you.

Mr. MAZEY. The Kohler Co. is in Kohler, Wis., a suburb of Sheboygan; American Standard & Sanitary is in Baltimore, Md.; Universal Rundle, Milwaukee, Wis.; Briggs Beautyware, Detroit, Mich.

On the trucker—I believe I was speaking of the trucker, at Kohler, Co., $1.75; American Standard, $2.50; Universal Rundle, $2.70; and Briggs Beautyware, $2.11.

Tool and diemaker, at Kohler Co., $2.36; Briggs Beautyware, $2.98.

Elevator operator, Kohler Co., $1.60; and Briggs Beautyware, $2.11.

Enameler, large ware, Kohler Co., $2.64; and American Standard, $3.25; and Universal Rundle, $3.60.

Enameler, small ware, Kohler Co., $2.63; American Standard, $3; and Universal Rundle, $3.60.

Grinder, large ware, Kohler Co., $2.53; and American Standard, $2.80; and Universal Rundle, $3.30.

Grinder, small ware, Kohler Co., $2.48; American Standard, $2.50; and Universal Rundle, $3.15.

Tub moulding, Kohler Co., $2.41; American Standard, $3; Universal Rundle, $3.

Enamelware inspectors, Kohler Co., $1.78; Universal Rundle, $2.60; and Briggs Beautyware, $2.36.

Now, on the second page, table 2, is a comparison of enamel shop working conditions between Kohler Co., and its principal competitors.

At the Kohler Co. the length of the work shift is 8 hours; American Standard is 6 hours; and Universal Rundle, 6 hours.

Lunch period, none at Kohler Co.; none at American Standard; and none in Universal Rundle. And I want to bring to your attention that where there is 6 hours work, it is the practice of the industry not to have a lunch period, but where there is 8 hours work, there should be a lunch period, and there has been in the past.

Type of tub lift at Kohler Co., manual operated on floor track; American Standard, electric lift on monorail; Universal Rundle, electric lift on floor track.

Type of tub-enameling frames at Kohler Co., manual operated; and American Standard, air operated; and Universal Rundle, air operated.

Type of powdersieve, nonsuspended; American Standard, suspended; Universal Rundle, suspended.

Air conditioning, Kohler Co., none; American Standard, yes; and Universal Rundle, semi.

Number of men per furnace: 2 at Kohler; 3 at American Standard; and 2 at Universal Rundle.

I would also like to submit, brother chairman—Mr. Chairman, rather—I am so used to trade union meetings that it is a normal slip.

The CHAIRMAN. Are you a Baptist?

Mr. MAZEY. I use a lot of good religious terms, sir.

The CHAIRMAN. O. K., use whichever one is convenient.

Mr. MAZEY. Senator Goldwater asked me the other day for a list of situations in which the UAW offered to arbitrate contracts and strikes. I have some of this prepared, and I didn't have much time to work over the weekend on this matter. But I have a few, and we can get some more, if you need them.

I would like to point these out at this time.

The CHAIRMAN. If you are going to read it into the record, there is no use to make it an exhibit. I don't want to get things cluttered up.

Mr. MAZEY. I would like to read it in the record.

The CHAIRMAN. It may be read in the record, unless there is objection, and the Chair hears none, so proceed.

In 1945, on the 1946 General Motors strike, the union made an arbitration offer to General Motors Co. to settle.

In 1952, the UAW agreed to arbitrate the wage agreement with the North American Aviation Corp., and the wage agreement was arbitrated.

In 1955, the UAW agreed to arbitrate the amount of supplementary unemployment benefits in contract negotiations with the Ford Motor Co. The Ford Motor Co. turned us down.

In 1941, the union agreed to arbitrate, division of funds for 3,000 workers, discharged by the Ford Motor Co., and in an unfair labor practice case before the National Labor Relations Board, the union and the company agreed to a Catholic priest to act as arbitrator, and he handed down arbitration awards in this matter.

The CHAIRMAN. Is there anything further that you were required to bring?

Mr. MAZEY. Yes; I was given a lot of homework, Senator, and I did my homework quite well. I would like to submit as an exhibit or read into the record, a copy of a letter that was sent to the Honorable Walter J. Kohler, Jr., Governor of Wisconsin, Madison, Wis., in reply to his proposal that we arbitrate the settlement of the Kohler dispute in July 10, 1954.

This letter is dated July 10, 1954.

The CHAIRMAN. I think it has already been entered in the record.

Mr. MAZEY. No; it has not.

Mr. RAUH. Sir, the letter from the Governor to the two participants was put in the record, and the Kohler Co.'s rejection, but at that time we did not have a copy of our letter.

The CHAIRMAN. I thought you said at that time it was a telegram.

Mr. MAZEY. That is correct, but it was not a telegram.

The CHAIRMAN. Do you have a letter rejecting the offer?

Mr. RAUH. This is the letter of the union accepting the Governor's proposal.

The letter of the Kohler Co. rejecting the proposal is already in the record, and this is the union's answer which we thought was a telegram, and we were erroneous, and it is a letter and the letter is here.

The CHAIRMAN. All right, it may be accepted, and without objection let it be printed in the permanent record back where it is first referred to in the testimony (exhibit 20, p. 8743 of pt. 21).

Mr. RAUH. This letter is dated July 10, 1954, addressed to the Honorable Walter J. Kohler, Jr., Governor of Wisconsin, Madison, Wis.

MY DEAR GOVERNOR: This is to advise that at a special membership meeting held in Sheboygan Armory this afternoon, it was voted unanimously to accept your proposal that the issue remaining in dispute between the Kohler Co. and the union be submitted to a qualified and impartial arbitrator, to be selected by the Wisconsin Employment Relations Board, and that we abide by any decision arrived at by such arbitrator as outlined in your letter dated July 8, 1954, sent jointly to the Kohler Co. and the union.

We are deeply appreciative of the concern you are showing in our dispute with the Kohler Co., and now winding it up is 14 weeks, and the efforts you are making to resolve the differences still existing. Very sincerely yours, Kohler Local 833, UAW, CIO, executive board, Perry H. Kohlhagen, recording secretary.

The CHAIRMAN. Do you have anything further?

Mr. RAUH. I have two further items, Mr. Chairman. Senator Curtis asked me to find the press release that I made on the question of the Judge Schlichting matter. I was unable to find the press release, in our files over the weekend, but the best I have been able to do is an excerpt from the strike daily bulletin dated November 10, 1954, which deals with the matter of the press release and I would like to submit this in the record.

Senator MUNDT. Do you identify the strike bulletin as a UAW project supported by UAW funds?

Mr. MAZEY. Senator Mundt you know I have already testified to that. I do.

Senator MUNDT. You were trying to disclaim some of the statements?

Mr. MAZEY. I am not trying to disclaim anything.

Senator MUNDT. All right.

The CHAIRMAN. Is that a copy or excerpt?

Mr. MAZEY. This is an excerpt from the strike bulletin.

The CHAIRMAN. From the strike bulletin of that date?

Mr. MAZEY. Yes, November 10.

The CHAIRMAN. It may be printed in the record at this point. You may refer to any part of it you would like.

Mr. MAZEY. I would like to read it.

Last minute flash: The UAW–CIO secretary-treasurer, Emil Mazey announced today that the union will no longer issue food vouchers for Piggly-Wiggly and Schlichting Food Markets as a protest over "the obvious bias shown against organized labor" by Circuit Judge F. H. Schlichting in the sentencing of UAW–CIO member William Vinson to a 1- or 2-year prison term.

Senator MUNDT. Has something been omitted on those dots?

Mr. RAUH. What is that, sir?

Senator MUNDT. Normally when we have evidence of some dots, it indicates something has been omitted. Is that true there in this case?

Mr. RAUH. I don't really know. It was prepared by my staff, and I don't believe it is.

Senator MUNDT. It has three periods in there, and that isn't normally the way you end a sentence?

Mr. MAZEY. It is probably the way they set it up.

Mr. RAUH. My assumption from the dots, Senator Mundt, is that this comes from the strike bulletin, and we can't find a copy of the original release. Probably the strike bulletin left something out of the original release, and that would be my assumption.

Senator MUNDT. Would it be possible for you to supply as an exhibit the entire strike bulletin?

Mr. RAUH. We looked for that, and we are unable to find it at the moment. Oh, you mean the bulletin.

Senator MUNDT. If you got this from the bulletin?

Mr. RAUH. I am sure that the bulletin has the dots in it, but we will supply that.

Senator MUNDT. All right.

Mr. MAZEY. We will be glad to do that.

Mazey explained that Judge Schlichting is a principal stockholder in the Piggly-Wiggly organization in Sheboygan. He said the UAW–CIO has been issuing food vouchers to strikers which are designated for the store of the striker's choice.

"The sentence handed down in the Vinson trial was the most severe sentence for a charge of this type ever handed down in this county," Mazey said, "and the conduct of the judge in this case raises a serious question as to whether he is qualified to serve as a judge in this county."

The union's second-ranking officer, who has led the UAW–CIO team of negotiators in contract talks with Kohler Co. said that Kohler strikers "spent $13,000 a week in food vouchers at Sheboygan's two Piggly-Wiggly stores and the Schlichting Supermarket in Sheboygan Falls.

"Besides holding stock in the Sheboygan Piggly-Wiggly stores, Judge Schlichting has partial ownership in the Sheboygan Falls Schliching Supermarket," Mazey said.

The CHAIRMAN. That is taken from the daily strike bulletin of November 10, 1954?

Mr. MAZEY. That is correct, Mr. Chairman.

Now I would like to submit some excerpts of a report of the Committee on Education and Labor of the United States Senate, 74th Congress, a resolution to investigate violations of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively.

The CHAIRMAN. Was that requested?

Mr. MAZEY. It was not requested.

The CHAIRMAN. Did anybody ask you to submit that?

Mr. MAZEY. Senator Goldwater was talking about the number of people killed in CIO strikes, and the purpose of submitting this, Mr. Chairman, is to show that in 1934 the La Follette committee found that between the years, or I should say during the course of this investigation in 1937, the La Follette committee found that, between the years of 1933 through 1937, $1,255,312.55 worth of tear and sickening gas was purchased by employers and law-enforcement agencies chiefly during or in anticipation of strikes.

The report will also show that the Kohler village had purchased over $6,000 worth of tear gas during the period of time that the La Follette committee made this investigation.

The exact amount, the purchase by the village of Kohler, was $6,713.31.

The CHAIRMAN. Gentlemen, the Chair thinks we are going pretty far afield when we go way back that far. If this committee is going to investigate everything since then up until now, we are going to be old men before we get through.

Mr. MAZEY. It just seems to me that during the course of this hearing, Mr. Chairman, during the course of this hearing we have been able to show that the Kohler Co. had tear gas and they had guns, and that they transferred this to the village. This is not a new practice. This wasn't in preparation for the UAW. They did exactly the same thing in 1934.

The CHAIRMAN. I think we can say there has been violence going on on both sides for many years. I think we can agree on that and stipulate to it, and get onto something that might be in controversy.

Mr. MAZEY. I am not willing to stipulate that, Mr. Chairman.

The CHAIRMAN. You are not willing?

Mr. MAZEY. No.

The CHAIRMAN. Proceed.

Senator GOLDWATER. Who was chief counsel of that committee?

Mr. MAZEY. The La Follette committee?

Senator GOLDWATER. Yes.

Mr. MAZEY. I should know that. Maybe I can find it here. The chairman was Robert M. La Follette, of Wisconsin. Chief counsel was David D. Lloyd; David D. Lloyd was chief counsel.

Senator GOLDWATER. Who followed him?

(At this point, Senator Ives withdrew from the hearing room.)

The CHAIRMAN. Did you read all of that statement?

Mr. MAZEY. No; I merely made reference to some of the pages.

The CHAIRMAN. Without objection, it may be made Exhibit No. 48, for reference only.

(The document referred to was marked "Exhibit No. 48" for reference and may be found in the files of the select committee.)

Senator GOLDWATER. Mr. Mazey, who followed the gentleman that you quoted there as being chief counsel?

Mr. MAZEY. I don't know, sir.

Senator GOLDWATER. Was it mentioned on there at any place?

Mr. MAZEY. There was another counsel by the name of Daniel F. Margolis, counsel; N. R. Danielan, director of research; Harold Weisberg, editor; and Heber Blankenhorn, special consultant. I happened to know Mr. Blankenhorn, when he was alive. He used to be an investigator for the UAW.

Senator GOLDWATER. Do you know if John Abt was on that subcommittee?

Mr. MAZEY. I don't know.

Senator GOLDWATER. Does it refer to him any place on there?

Mr. MAZEY. There is no reference to any man by that name.

Senator GOLDWATER. Mr. Chairman, preserving the right to satisfy my curiosity, I will find out if Mr. Abt was connected with the subcommittee. My recollection is that he was, but I could be wrong.

Mr. MAZEY. It might be of some interest to the committee to know that besides Robert M. LaFollette, Albert D. Thomas was on the committee, David Walsh, of Massachusetts; James Murray of Montana; Vic Donahey of Ohio; Rush D. Holt, West Virginia; Claude Pepper of Florida; and Allen J. Ellender of Louisiana; Josh Lee of Oklahoma; Lister Hill of Alabama; William E. Borah of Idaho, Robert M. LaFollette, Jr., of Wisconsin; James J. Davis, of Pennsylvania; and Robert A. Taft of Ohio.

This was a pretty good committee.

The CHAIRMAN. All right. Are there any further questions?

Mr. MAZEY. I have nothing further to offer at this time, Mr. Chairman.

Senator MUNDT. When we concluded Friday, Mr. Mazey, we were discussing the subject of secret agents, either utilized by the company against the union or by the union against the company. On page 1326 of Friday's hearing, as I reviewed them this morning, I find this exchange.

Senator MUNDT. Did the union have any secret agents in the plant during the strike?

Mr. MAZEY. We did not; and I wish that we had.

Senator MUNDT. You did not?

Mr. MAZEY. We did not.

You will recall that we subsequently developed from the strike bulletins, from which you said you would take no disclaimer, and which today you said you would not take a disclaimer from, because they were published and paid for by the international office of the UAW, we developed from the bulletins themselves that you had received secret reports from inside the Kohler plant. I am not trying to stick you with perjury or claim that you were misrepresenting the facts, and I am not concerned about whether you called them secret agents, or inside reporters, or reliable informants or whatever you called them. It was established, at least, that there were people inside the plant reporting to the UAW, and those reports were used as strike bulletins to advise the strikers concerning conditions within the plant.

I want to follow that up a little further this afternoon. Mr. Mazey, does your union now, as of the present time, have anybody in the Kohler Co. plant or office who is furnishing you with information as to the activities or the business of the Kohler Co.?

Mr. MAZEY. Mr. Mundt, we have no secret agents at the present time. We have never had any secret agents. We have never paid anybody for information in the Kohler situation. The report that you had reference to on the strike bulletin, I think, was a gimmick of one of our public relations people who thought it was funny and a joke. I looked it up since I left here on Friday, and our reports were so secret that we published them daily in our strike bulletin.

The very fact they were published, I think, ought to prove the absurdity of the charge that these were secret reports.

Senator MUNDT. There is a a vast difference, Mr. Mazey, as you well know, from having a secret agent who brings you information unbeknown to the opposing side, and to the use that you make of them. Nobody ever accused you of maintaining the secrecy once you got the information.

Mr. MAZEY. Senator Mundt, we don't have any secret agents and we have never had them. I abhor the practice of anybody hiring people to spy on the private lives of individuals.

Senator MUNDT. On Friday, you freely admitted that you did have them. You said they were scabs because they were not being paid, but that they were relaying information to you.

Mr. MAZEY. I said——

Senator MUNDT. I am not concerned with whether they are paid. I think really if you are going to induce a man to act as a secret agent while the other fellow is paying him, you have done a pretty good job, rather than paying him yourself.

Mr. MAZEY. We have not induced anybody to do anything, in my opinion.

(At this point, Senator Kennedy entered the hearing room.)

Senator MUNDT. There would be ethics involved, in my opinion, if you are paying the man.

Mr. MAZEY. Senator Mundt, as I have reported previously, in Kohler the community is split right down the middle.

There are office employees, there are some of the people who have returned to work, who have brothers and sisters and fathers who are still active in the strike.

There is a great deal of conversation between them. Some of them are on good, friendly terms.

As a result of their being on friendly terms, it is just normal and natural that in the course of a strike of this length, that the people in the same family and friends will talk about the conditions inside the plant.

If these are secret reports, then make the most of it. I don't consider them secret reports at all.

Senator MUNDT. I am not going to quibble with you as to what you call an agent or what you call a spy, or what the terminology is, whether furnishing information to Kohler from the union or to the union from Kohler. That is why this afternoon I have tried to find a word that I thought you wouldn't be squeamish about, and I said does your union have anyone in the Kohler Co. plant or offices furnishing you information concerning the business of the Kohler Co.

Mr. MAZEY. The union doesn't have anyone, no.

Senator MUNDT. Do you have anyone?

Mr MAZEY. Well, I represent the union. I don't have anyone.

Senator MUNDT. Since you started your boycott, has your union had anyone furnishing you information from inside the Kohler Co. as to how well the boycott is succeeding?

Mr. MAZEY. We have a pretty good idea as to what the production is, how many people are working in the plant. There is gossip and hearsay on this matter, and I suppose that we do have information of that type. People will gossip and talk about how much work is being done.

But we have no agents inside the plant furnishing us information.

Senator MUNDT. I guess I better repeat my question.

Since the beginning of the boycott, has your union had anyone furnishing you information from inside the Kohler Co. concerning the success of the strike.

Mr. MAZEY. We have not. Not to my knowledge.

Senator MUNDT. You have secured no information from inside the Kohler Co.?

Mr. MAZEY. Not to my knowledge.

Senator MUNDT. Whether from an agent, a spy, an informer, or a loyal union man who happens to be working there or anybody else?

Mr. MAZEY. We have no agents, we have no spies, we have no informers. Let's keep the record straight. The record will show that the Kohler Co. was the one who hired spies and detective agents and not the union.

Senator MUNDT. I am not concerned about who hired them. I am concerned about the operation. Has the union had anyone furnishing you with information as to what inventories the Kohler Co. is keeping, sales, shipments, the literature that they send out?

Mr. MAZEY. We have had no informers inside the plant giving us information of that type. We may have picked up information from gossip, hearsay, and relatives and things of that type. We have drawn our own conclusions.

Senator MUNDT. And nobody inside the plant furnishing that information?

Mr. MAZEY. No, sir, not to my knowledge.

Senator MUNDT. I have here one of these strike bulletins that you have just introduced in evidence. It is a different date. It is April 30, 1956. Let me quote you the following report.

> Incoming orders at the Kohler Co. shown a steady drop—the only quantity of invoices is for small, petty items; fittings, parts, etc. The other day none other than the bathtub baron was pacing around the office, according to one of our inside reporters, fussing about the lack of orders.

So your union did have inside reporters as reported to the strikers by the UAW strike bulletin, which you financed and which was issued under your direction. You can't have it both ways.

You were either lying to the people who were reading the bulletin, or you have been mistaken in your testimony before this committee.

Mr. MAZEY. I have not been mistaken in my testimony. It seems to me, Senator, the the word "reporters" is open to definition, and I imagine that in a city such as Sheboygan which has 114 or 140 bars, I don't recall the exact number, there is a lot of gossip and a lot of hearsay and a lot of talk that is picked up, and the persons who put that bulletin out probably use this and referred to it as reporters. It might be of some interest to you to know that the bathtub——

Senator MUNDT. You can't have it both ways. Either you were trying to mislead the committee or you were trying to mislead the strikers, with the money that was paid for by union men. Which is it? You say on the one hand we have inside reporters in the company and on the other hand you say you did not have them in the company.

You can't have it both ways.

Mr. MAZEY. Senator Mundt, I am not trying to mislead the company. I think you are making too much ado about nothing.

Senator MUNDT. I think you are misleading.

Mr. MAZEY. The bathtub baron referred to in that article happens to be Mr. Herbert Kohler.

Senator MUNDT. I presumed so.

Mr. MAZEY. I am trying to make it clear who we have reference to. I am not trying to mislead the committee. We have had no informers or spies. The spies and the informers as the LaFollette committee will show have been used against us and not by us.

Senator MUNDT. Is your testimony clear that what you were trying to do with the strike bulletin, paid for by union members, was to mislead the strikers, so that they would not break down their morale, so that they wouldn't come back to work, and were you telling them you had inside reporters when actually you didn't have them?

Mr. MAZEY. It wasn't to mislead the strikers at all. It was to maintain morale.

Senator MUNDT. Maintain morale by misleading them, by saying "We have inside reporters giving you the facts" and now you testify you didn't have any inside reporters.

Mr. MAZEY. I will not agree to the word "misleading." We have not tried to mislead anybody.

Senator MUNDT. You are trying to mislead somebody now.

Mr. MAZEY. No, I am not.

Senator MUNDT. You either have to say that you did have them or you didn't have them.

Mr. MAZEY. I say we didn't have them.

Senator MUNDT. You said in your bulletin you have them. Who are you trying to mislead?

Mr. MAZEY. If you will read the bulletins——

Senator MUNDT. I read them.

Mr. MAZEY. They were written in a jovial fashion. One of the public relations people was trying to be funny. The bulletin I introduced happened to be a quote of what I said. I stand by it and I stand on it.

Senator MUNDT. And you say as far as the inside reporters are concerned, because whether the writer wants to be funny or not, the poor fellow who is out of work, who may have been on strike for 4 or 5 months, is wondering how we are getting along, and he reads the strike bulletin and it says from inside reporters we are winning the contest and orders are falling off, strike by the strike. You are certainly trying to mislead him, then, whether you are trying to be funny about it or not.

Mr. MAZEY. Senator Mundt, I think you are making a mountain out of a molehill.

Senator MUNDT. I think the record will speak for itself on that.

Mr. MAZEY. I agree with you. I agree the record will speak for itself.

Senator MUNDT. I presume that your union used this inside information in planning its boycott, that is right?

Mr. MAZEY. To begin with, I said we had no inside information, so how could we use it?

Senator MUNDT. Well, we will see whether you had any or not.

Mr. MAZEY. In a town as small as——

Senator MUNDT. You had somebody inside the plant reporting on the activities and actions of the bathtub baron, Mr. Kohler.

Mr. MAZEY. In a town as small as Sheboygan, almost everybody knows everybody, almost everybody is related to each other. Everybody is close friends or were close friends. There is all kinds of gossip and stories. It is impossible to keep anything secret from the members of our union under this kind of a setting.

Like what I said I stand on. If we knew how many boxcars went out of the plant, we could count them. If we knew how many trucks went out of the plant, we could count them. We had contacts with plumbers and with plumbing contractors, and we knew that the Kohler Co.'s sales were reduced. We counted the number of people working inside the plant. There were 3,400 when the strike started. There are less than 2,000. It seems to me that if you want these facts on the company's sales and on the company's employment, what you ought to do is subpena their records, and let's look at the sales and look at the records, if that is the information you want.

Senator MUNDT. I am not concerned about those. I am concerned about whether or not you are trying to misrepresent the company to the committee or whether you were misrepresenting it to the strikers. That is the point at issue.

Mr. MAZEY. I have not tried to misrepresent it either to the strikers or to the committee.

Senator MUNDT. Let me come now to the strike bulletin for May 2. 1956.

Bathtubs are still being piled three high in the shookshed (one of the two huge, all-steel twin buildings located east of the plant proper). When this gets filled, a reliable source has informed us that the so-called equipment shed located next to and north of the shookshed, will be used next for storing the customerless tubs.

So you had a source, what you are now calling a reliable source. You sometimes call him an inside informer. Sometimes you call him secret agent No. X. But you did have a reliable source, apparently, reporting on not only where the inventory was kept, how high was the stack of unused bathtubs, but where they were going to pile them up after they filled the shed.

Mr. MAZEY. Mr. Mundt, a reliable source could be any worker in the plant who had a brother or a sister or who shot off his mouth in beer gardens or anything of that type. Maybe he was not so reliable He could be reliable or unreliable.

Senator MUNDT. It could have been secret agent Q–2 also who is quoted in there.

Mr. MAZEY. I think you understand how the Q–2 and U–2 came in. It is a pretty clever little gimmick that a public relations man dreamt up, and I think you are making too much of it.

Senator MUNDT. Well, if it is a public little gimmick cooked up by a public relations man, it is a device for deceiving the strikers. This is mysterious business for them.

Mr. MAZEY. It wasn't meant to deceive anybody.

Senator MUNDT. The pay of the union officials goes on and on like Tennyson's little brook, but the pay of the strikers kind of gets a little low after 3 or 4 months.

Mr. MAZEY. Senator, we did pretty well by our strikers. We raised a lot of money. The program made possible the $10 million strike assistance to the Kohler workers was a program that I helped develop and I helped sell to our convention. We did pretty well by them. We weren't trying to deceive them. The purpose of our union is to try to bring social and economic justice to the workers in Sheboygan. That was our only purpose. We weren't trying to deceive anybody.

Senator MUNDT. I am reading the bulletin and asking you whether it is true or not.

If that isn't deceit, then we have studied a different dictionary.

June 6, 1956: There still is an insatiable demand for vitreous china. Are you a bathtub man? What is vitreous china?

Mr. MAZEY. I use a bathtub every day, sir, but I am not an expert on it.

Senator MUNDT. Do you use one made out of vitreous china?

Mr. MAZEY. I don't use a Kohler bathtub. I don't think anybody else should either.

Senator MUNDT. What about vitreous china?

Mr. MAZEY. I use vitreous china.

Senator MUNDT (reading):

There still is an insatiable demand for vitreous china plumbing fixtures, but Kohler's vitreous products are piling up—even though the total salable vitreous production is only 50 percent of the prestrike figure. Shipments are way off. Strikebreakers haven't been hired for months. The volume of incoming new orders is on a definite decline and cancellation of old orders are coming in daily.

That is an inside job by somebody or else it is a distortion of the truth to the strikers. Which is that?

Mr. MAZEY. Senator Mundt, I don't know how many times I have to tell you that we haven't distorted anything. We haven't tried to deceive anybody. If you have ever been to Sheboygan, and I suggest you make a trip there some day, you will find how small and compact the community is, how everybody knows each other. There are a lot of friendly bars in town, and information such as that bulletin contains can be picked up in any bar, any day or night.

Senator MUNDT. I am pretty sure the bar isn't so small and compact that everybody is sleeping in the accounting room of Kohler Co. Is this description going into the accounting department, the cancellation of orders, with inside information, is it a clever dream of a public relations fellow to build up the morale of strikers by feeding them a lot of guff? Which is the truth?

Mr. MAZEY. Nobody is feeding anybody a lot of guff. I am sure there are office employees of the Kohler Co., including the accounting department, who are pretty unhappy over the manner in which the Kohler Co. has conducted itself throughout this entire matter. It wouldn't surprise me if they did some talk in beer gardens or talking to their friends who happen to be strikers.

Senator MUNDT. August 24, 1956, strike bulletin.

We have it on good "inside" authority that the scabs and strikebreakers are so thoroughly disgusted with working conditions in the Kohler plant that the place is commonly referred to in conversation as the "madhouse."

I presume this inside authority was also somebody working in the plant and reporting to you?

Mr. MAZEY. I think it was probably some strikebreaker who got disgusted and quit his job and told a member of the union that working in Kohler was like a madhouse and he left the plant.

Senator MUNDT. This is somebody that you won over to your side after he had been in?

Mr. MAZEY. That may be possible.

Senator MUNDT. I will accept that as a possibility.

Mr. MAZEY. I think if you will check the records——

Senator MUNDT. I will accept that as a possibility.

Mr. MAZEY. Can I finish, please?

Senator MUNDT. When you win a point, you ought to stop. Go ahead.

Mr. MAZEY. You are making a lot of speeches and not giving me a chance to answer. I am supposed to be answering questions.

Senator Mundt, the point I started to make was if you will check the employment records of the Kohler Co., I think you will find that for every strikebreaker they now have on their payroll, they hired five during the course of the strike. The other four gave up in disgust.

Senator MUNDT. Here is one that didn't come under that category. That is the strike bulletin of October 22, 1956:

Plumbing fixtures still piling up. Inside sources also verify previous reports that despite the low production of plumbing fixtures and brass fittings, the unwanted stuff continues to pile up.

Now we have inside sources, and you change the name, but it still keeps coming in. The article indicates that there have been previous reports of inside sources.

On the strike of November 19, 1956, this is an interesting statement.

Mr. MAZEY. Do you want me to comment on the first one?

Senator MUNDT. I am coming to this: Prior to the last election, the Kohler Co. mailed to all known clergymen in the United States 190 pieces of antiunion literature, each one containing a copy of Herb Kohler's "in freedom's cause" speech made in Los Angeles on April 17 of this year, and a copy of the April 1955 issue of the Kohler News. The postage bill alone was $11,400.

Was the postmaster one of your inside workers?

Mr. MAZEY. No, he wasn't an inside worker.

Senator MUNDT. You must have gotten that from inside the Kohler plant, and not a beer garden. Where did you get that fact?

Mr. MAZEY. If you will ask a question and give me a chance to answer it, maybe I can get around to it.

Senator MUNDT. Go right ahead. Where did you get that information?

Mr. MAZEY. You refer to the term "inside sources," and there has been all kinds of terms used here, Senator Mundt, and it reminds me of the terms being used for the Eisenhower depression. They call it a

"slide," a "roll," they call it "sideway motion" and depression, and they call it a recession.

Senator MUNDT. I asked you a question.

Mr. MAZEY. Our public-relations people have dug up the same kind of ideas in referring to this.

The CHAIRMAN. Now——

Senator MUNDT. The question is pretty clear.

The CHAIRMAN. I want the Chair to get this, and now I will request we continue.

Senator MUNDT. The question is where did you get the information that the postage bill was $11,400?

Mr. MAZEY. I suppose that some public relations man for the Kohler Co. spoke too much in a bar and somebody picked it up.

Senator MUNDT. That is supposition, and do you have any better information?

Mr. MAZEY. No; I don't.

Senator MUNDT. You are trying to give these people the exact facts in the strike bulletin, and when you pin this down, you can't get them.

Mr. MAZEY. I am sure it wasn't the postmaster, because with the Republican administration you would have a Republican postmaster, and I don't see Republicans giving us any information at all.

Senator MUNDT. You are against Republicans, are you?

Mr. MAZEY. It is awfully hard to find a good one, Senator Mundt.

The CHAIRMAN. Let us get on the track here. Let us leave politics out of it.

Senator MUNDT. Another inside source reported on literature the company was sending out and the number of copies, and even the postage bill.

Now, on May 20, 1957, you say this—this is a strike bulletin:

> We know that the Kohler stockpile is growing larger because we have eyes that see for us on the inside.

You switched from inside sources, inside reporters, informants, and now you have eyes.

> We have eyes that see for us on the inside.

Now, were you deceiving the strikers then, or were you trying to be funny, or are you telling the truth now when you say you didn't have them?

Mr. MAZEY. I have always told the truth, Senator Mundt. The "eyes inside" is another phrase for this information. I am sure that the "eyes inside" were friends of Kohler strikers and friends or people in favor of the Kohler workers getting a break. I would like to say that when I talked about good Republicans a moment ago, I think Senator Ives is a good Republican.

Senator MUNDT. Thank you. We have about 15 million Republicans, and I am glad to find a good one.

The CHAIRMAN. Senator Ives is not here to hear your praise of him, and can't we get down to the facts here and move along? Leave politics out of it.

Mr. MAZEY. I don't see what this is leading to, and I think it is kind of ridiculous.

Senator MUNDT. I suppose you do, and I would think you would after you put out strike bulletins for several years, and you paid for

them, and on which you wrote checks, and you told the strikers one thing, and then when we ask you whether you were deceiving the strikers you said, "No." And we say, "Were you telling the truth, did you have the eyes, and did you have the sources and the secret leads in the plant?" and you say, "No" and you expect us to add up "No" and "No" and make "Yes." And it doesn't make very good sense, and it is kind of ridiculous.

Mr. MAZEY. Let us continue.

Senator MUNDT. Let me ask you this: Apparently you base your whole situation on the basis that you didn't pay these people. As I said, I offered no evidence that you did pay them, and so we have to accept the fact that whatever you call these inside informants, you were not paying them.

Mr. MAZEY. I think I have made my position perfectly clear, Senator Mundt. We have paid no informers, and we had no spies, and we had no detective agents, and we had no Gestapo inside the plant, and we had none of these things. The information that our bulletins contained, I am sure, was information that was obtained in hearsay, and beer-garden discussion between friends and relatives, and so on.

Senator MUNDT. It is clear that was the path to the country schoolyard where you didn't tell them that in your bulletins. In your bulletin you said that you had inside agents, and in your bulletin you said you had inside eyes, and even identified the secret agents in your bulletin. What I am trying to say is that you were certainly not telling the people who were reading your bulletins what you are now trying to tell us, that this is a lot of scuttlebutt picked up.

Mr. MAZEY. I think we got the scuttlebutt from people, and nobody who was on strike has any belief that we had any spies or agents or informers inside the plant.

Senator MUNDT. You are saying you were not paying them, and I am going to accept that, unless some evidence comes in contrary, and if you didn't pay these people who were giving you information on the Kohler Co.'s activities, it must have been the Kohler people who were giving that.

Mr. MAZEY. It is possible that some of the information we had may have been these detectives that Mr. Conger had going in the beer gardens trying to get information on our people, and they may have spread some of this stuff around. I don't know.

Senator MUNDT. Do you think the Kohler Co. paid them to give you the information?

Mr. MAZEY. They may have given us false information in order to try to mislead us. A lot of things are possible, and I wouldn't put anything past this outfit.

Senator MUNDT. You put out all of this false information to your strikers to try to keep them on the job?

Mr. MAZEY. This wasn't false information, and we had no reason at that time to believe that anybody in 1954, in the second half of the 20th century, would be so backward in its labor policies as to use spies and stool pigeons and detectives.

Senator MUNDT. Let me ask you this: Is it the policy of the union in a situation of this kind to encourage confidential information coming out from inside the plant, while it is still operating?

Mr. MAZEY. If anybody gave us information, we weren't too unhappy about it.

Senator MUNDT. I wouldn't think so, no. Now, you testified on page 793 of your speech that you made on May 9, and you are familiar with that speech.

Mr. MAZEY. What was the date of that speech?

Senator MUNDT. May 9, 1954. You will recall we were talking about these people out on the picket line, and you said—

Now we know who they are, and we have taken pictures of them, and we have taken down the license plates' numbers, and we have made notes of what their names are.

Now, I think when we asked you questions about that, you said——

Mr. MAZEY. What are you quoting? Are you quoting me?

Senator MUNDT. That is right.

Mr. MAZEY. On page 793 of what, what record?

Senator MUNDT. Of the hearings.

Mr. MAZEY. That I made this statement during these hearings?

Senator MUNDT. Yes.

Mr. MAZEY. I would like to have you show me that record, and I don't recall having made any such statement.

Senator MUNDT. On May 9, Mr. Burkhart made the statement.

Mr. MAZEY. You said I did.

Senator MUNDT. I beg your pardon. Mr. Burkhart did.

Mr. MAZEY. Let us keep the record clear.

Senator MUNDT. On page 792 Mr. Burkhart made the statement in a speech on May 9—

Now we know who they are. We have taken pictures of them, and we have taken down the license plates' numbers, and we have made notes of what their names are.

I want to direct a question to you. Your union was keeping a record of the activities of the nonstrikers who wanted to return to work, isn't that correct?

Mr. MAZEY. You have spoken to Mr. Burkhart about it, and this is the first time——

Senator MUNDT. I am trying to find out what yours is.

Mr. MAZEY. This isn't my testimony.

Senator MUNDT. This is your testimony now.

Mr. MAZEY. It is my testimony now, and I didn't hear that.

Senator MUNDT. Was your union keeping a record of the activities of nonstrikers who wanted to return to work, getting their license numbers and getting their pictures?

Mr. MAZEY. Senator Mundt, can you pause a moment to give me a chance to answer your question?

Senator MUNDT. All right.

Mr. MAZEY. I am not familiar with the testimony of Mr. Burkhart on this particular question. I didn't hear it, and I didn't read it. Obviously, I am not in a position to testify on something that I have no knowledge of.

Senator MUNDT. You have knowledge about this question.

Mr. MAZEY. The kind of question as to whether or not the strikers knew who the nonstrikers were?

Senator MUNDT. I read the question Mr. Burkhart made. I accept it because he gave it under oath, as factual. So I ask you the question, whether your union was keeping a record of the activities of the nonstrikers, taking their pictures, if Mr. Burkhart said they were, and

taking down the license plates, as Mr. Burkhart said they were, and making notes of their names, as Mr. Burkhart said they were, and you keeping a record of the people who wanted to go to work?

Mr. MAZEY. As I told you before, I didn't hear Mr. Burkhart's testimony.

Senator MUNDT. That has nothing to do with it, whether you heard it or not. I am asking you.

Mr. MAZEY. I am sure the Kohler strikers collectively knew everybody in the plant, and knew who was going in the plant, and who was staying out. And they may have made mental notes as to who they were, and I am sure that happened.

Senator MUNDT. Just answer the question.

Mr. MAZEY. I am answering the question.

Senator MUNDT. Mr. Burkhart is an associate of yours?

Mr. MAZEY. Yes, sir.

Senator MUNDT. You paid his salary?

Mr. MAZEY. Not I, but the union.

Senator MUNDT. You, as secretary-treasurer, either signed the check, or assumed responsibility for his salary.

Mr. MAZEY. That is correct.

Senator MUNDT. That is correct?

Mr. MAZEY. Yes, sir.

Senator MUNDT. You were associated with him at Kohler on strike business?

Mr. MAZEY. Not with Mr. Kohler. We were never able to get Mr. Kohler to attend any meetings, or put his feet under the table.

Senator MUNDT. Mr. Burkhart at Kohler.

Mr. MAZEY. I want to make it clear Mr. Kohler never attended a single set of negotiations or meetings.

Senator MUNDT. I am not talking about him. I am talking about Burkhart.

Mr. MAZEY. You said we associated with Mr. Kohler and I want to keep it straight, and we never had the opportunity.

Senator MUNDT. Now, we will start over. Don't try to put words into my mouth. You may not be able to hear me and I have difficulty hearing you, because the acoustics are not too good, but what I said was this: You were associated with Mr. Burkhart at the Kohler strike situation?

Mr. MAZEY. Yes, I was associated with Mr. Burkhart.

Senator MUNDT. And Mr. Burkhart said in this committee room, sworn testimony, answering a lot of questions about taking pictures at the strike line—

Now we know who they are. We have taken pictures of them, we have taken down the license plates numbers, and we have made notes of what their names are.

We asked him why and he told us why. That was sworn testimony. Now I am asking you, and not Mr. Burkhart, and I am asking Mr. Emil Mazey, the top second-ranking member in the UAW: Is it true that your union was taking down the names of the nonstrikers, and their pictures and their license plates?

Mr. MAZEY. Mr. Burkhart said we were doing it, and I would take his word, and I suppose if we wanted to talk to the people who may have been going back to the plant to try to convince them that they

were doing an injustice to themselves and to their families, and to our cause—I think Mr. Burkhart said that, and I am willing to back him up. I think he is an honest man.

Senator MUNDT. It took you a long time to arrive at that conclusion and say "Yes."

Mr. MAZEY. It didn't take me a long time, but you phrase it kind of funny, Senator.

Senator MUNDT. You said, "Yes." Now, was it wrong for the company to make a picture of the striker, and all right for the union to take a picture of a nonstriker? Is that your theory?

Mr. MAZEY. No. I think that the taking of pictures on the one hand was a Gestapo activity, and on the other hand was an idea of trying to persuade people to support their own cause. I think there is a great deal of difference.

Senator MUNDT. I must confess that I can't see it. There are two people taking pictures, one taking pictures of nonstrikers, to keep them out, and one taking pictures of the strikers so they will know who is trying to keep them out, and you say when the company takes pictures this is Gestapo, and when the union takes a picture, this is just part of an old family portrait, made on Sunday afternoon when the sun shines?

Mr. MAZEY. We did not have anybody recording whether the kid stole somebody's marbles from a nonstriker's child, or called a nonstriker's child names. This company had a record on every worker in the plant.

They acted just like the Nazis did during the period of the last war, and before the last war.

Senator MUNDT. Either Mr. Burkhart or you, and I think it was Mr. Burkhart that testified to the fact that while he never participated in a home demonstration, and while he never inspired one, one afternoon he attended three of them. And we asked what happened, and he said he was there as a spectator, and we asked him, "Tell us what happened."

He said, they stayed around the nonstriker's house, and when the strikebreaker came in, they called him a lot of names.

So I guess you had some people calling them names, and maybe you did not pay them to do that, but they were people on your side calling names, and I suppose there were people on the other side calling names.

Mr. MAZEY. I suppose so.

Senator MUNDT. And taking pictures?

Mr. MAZEY. I suppose there have been a lot of names called in the last 4 years and we offered a solution the other day to stop the name calling, by asking the company to agree to arbitration, and we are still willing to.

I think that we ought to try to find a way to stop the name calling.

Senator MUNDT. By the way, on this arbitration business, that is a unique position for you to take, in view of the fact that you spent about an hour and a half in these hearings trying to convince me and the rest of the committee and the public that your position was sound and proper and pro-American, and you had said over and over again, "everybody who is not for us is against us."

Finally after about an hour Friday afternoon, you wiggled off the hook to an extent, I mean, about judges, and judges should be im-

partial. Now, where are you going to get a board of arbitration with the kind of philosophy that you follow, that everybody is going to be for you or against you, and has to be for you or against you, and if they are not for you, automatically they are against you?

Who are you going to use for arbitrators?

Mr. MAZEY. The point that you have reference to, Senator, was a speech that I made in the city of Sheboygan, in which I was referring specifically to the people in the community. I think that I explained my position very clearly the other day.

Senator MUNDT. Further than that, we are talking about boycotts, and there are a lot of people outside of Sheboygan.

Mr. MAZEY. I wish you would be sufficiently courteous to give me a chance to finish my answer to your questions.

Mr. RAUH. Mr. Chairman, I appeal to the Chair. I have sat here and have said nothing, but continuously Senator Mundt has interrupted Mr. Mazey's answer. We ask that Senator Mundt be requested——

The CHAIRMAN. Just a moment.

Senator MUNDT. Every time the witness has said he has not finished, I have given him a chance.

The CHAIRMAN. Any time the witness appeals to the Chair, the Chair will intercede and try to get the time for him to get an answer in.

Mr. MAZEY. Thank you, Mr. Chairman.

I have forgotten where we were now, and can you restate the question?

(The pending question was read by the reporter.)

Mr. MAZEY. Senator Mundt, I started to reply to this question by stating that the speech I made on Novemeber 17, 1954, was referring to the Community in Sheboygan. Under your questioning last Friday, I said that I did not place judges in this category, because I thought that judges had to be impartial. We can't have decent law unless we have impartial judges.

Now, there are a lot of people throughout the country who are impartial between labor and management. There must be several thousand lawyers and doctors, and professors who make a living as arbitrators, and in working out contractual matters.

We have several full-time arbitrators with the union and company jointly paid for in our relationship with the General Motors Corp., and the Ford Motor Co., and with the Chrysler Corp., and several hundred others.

These people we consider are impartial, and they are the people who can be objective in dealing with these questions, and who have performed a real service in maintaining the good labor-management relations over the years.

Now, all of these companies have accepted arbitration but the Kohler Co. thinks everybody is out of line and out of step but themselves and they won't accept arbitration. We think our proposal is sound, and it is just.

When I said a moment ago, going back over all of the things that have happened 4 years, I don't think, contributes to the solution of our problem. I think it reopens old wounds, and it is causing unrest in the community, where a lot of the unrest is now behind us, and I

just question whether or not any real purpose is served by a continuation and rehash of these matters.

If you want to do it, I am willing to spend the afternoon or all week with you on this question. But I say that the quickest way to bring this thing to a head is for the company to agree to our proposal to arbitrate this matter and let us get this one behind us.

Senator MUNDT. If the company would arbitrate with you now it would make no difference to this committee. We have a job to do to find out whether there was violence, and whether there was distortion of fact, and the questions we are asking are not going to who is right on the strike——

Mr. MAZEY. I think we have already proven that.

Senator MUNDT. But I think—now who is interrupting?

Mr. MAZEY. I am sorry, I beg your pardon.

Senator MUNDT. I think that your counsel can advise you on that.

Mr. MAZEY. I beg your pardon, sir.

Senator MUNDT. Now I don't know where I was.

There was a matter of arbitration. I take it now, then, that this afternoon you want to restrict this statement that you made earlier, that you are either for us or against us, so that in matters dealing with the strike situation, Mr. Mazey now says that everybody has to be for us or against us in the community in which the strike takes place, and not necessarily beyond that, is that right?

Mr. MAZEY. Senator Mundt——

Senator MUNDT. You can't have it both ways. You have to have it one way or the other.

Mr. MAZEY. May I answer now?

Senator MUNDT. You may.

Mr. MAZEY. All right. Senator Mundt, in the speech which I made, I stand on the speech. It may be if you work it down in details everybody has to be with you or against you, and if you work it out in specifics you might find something wrong with the statement, but I think the statement generally is correct.

The fact remains that there are a lot of impartial people throughout the country that they could help adjudicate the matters in dispute between the union and the company. I see nothing wrong with the statement I made, and once more I appeal, and I would like to suggest to this committee that maybe we can get Mr. Herbert Kohler to sit before this microphone, and we have never been able to get him before a single set of negotiations in the 4 years of our controversy.

Maybe he can speak for the company. Maybe he will agree to arbitration. Maybe he is as tired of this wrangle and fighting as we are. But I started to say, Senator Mundt, that you made a statement to the effect that even if we could settle the strike, that we still continue these hearings, and you have to look into violence and so on.

I think the record ought to show that we have been charged and accused by the company and by some other people in public life that we were guilty of 800 acts of vandalism. The record has shown through the testimony of Mr. Desmond, one of the company's attorneys, there has not been a single union person arrested or convicted for these acts of vandalism.

Senator MUNDT. You are getting very forgetful.

Mr. MAZEY. I am not getting very forgetful.

Senator MUNDT. I am going to remind you of something that you forgot.

Mr. MAZEY. Go ahead.

Senator MUNDT. The record clearly shows that one of your employees, imported from Detroit working in Sheboygan, not only was arrested and accused but convicted and went to jail and consequently got from you a great denunciation of the clergy and the doctors and the lawyers and the courts because Vinson, working for you, kicked a poor little fellow weighing about 120 pounds, and as a consequence went off to jail.

Mr. MAZEY. Senator Mundt——

Senator MUNDT. That was admitted testimony.

Mr. MAZEY. That statement is incorrect. First of all, Vinson was not an employee of the international union. I so testified. His salary was paid——

Senator MUNDT. Where was his home?

Mr. MAZEY. I will answer all of the points that you made, sir, if you will give me a chance. Mr. Vinson's salary was paid by local 212, a local that I happen to be a member of and very proud of being a member of. It was not paid by the International Union and therefore your charge that he was an employee of the International Union is false.

On the question of his being imported, I testified the other day that there were four people from the local union, sent into Sheboygan. He was not imported. We have as much right to have people go from Detroit to Sheboygan as Senator Goldwater has to come to Detroit and make speeches against us.

Senator MUNDT. I was not charging he was imported.

Mr. MAZEY. You may have made this point, "imported," as though there was something wrong with it.

Senator MUNDT. I just said "imported."

Mr. MAZEY. Haven't we got one country, Senator, and isn't it possible to go from one State to the other? You use Wisconsin cheese, and I can't see why we can't visit our friends in Wisconsin.

Senator MUNDT. I said he was imported and you haven't denied that.

Mr. MAZEY. That way you state it, the kind of emphasis that you give to the word "imported," you are trying to leave the impression that there is something sinister here, and something is wrong.

Senator Goldwater referred to them as my goons, and my thugs. And I resented that the other day and I still resent it. We did not do any importing.

Now, as to Vinson's act, I testified the other day that I am not happy what took place there. It is an unfortunate thing. But in the emotions of a strike such as this, when people are drinking in beer gardens, a lot of things happen that should not happen.

But the fact remains that things that happened in beer gardens in Sheboygan happened in beer gardens in South Dakota, and in Arizona, and elsewhere, and in Detroit. I am not happy about what has taken place.

Now, as to my criticism of the judge, I think that I have a right with judges whether Supreme Court judges or ordinary circuit court judges, they are not above criticism. I think what is happening here, Senator Mundt, is that the people are trying to deny me the right of speaking out against injustice when I think injustice has taken place.

Judges are not above criticism. I will criticize any judge, be he a circuit judge, or Supreme Court judge, if I think an injustice has been done somebody.

That is the only point I make.

(At this point, the following members were present: Senators McClellan, Ervin, Kennedy, Mundt, and Goldwater.)

Senator MUNDT. I think, Mr. Mazey, that the record is abundantly clear that you are not at all hesitant about criticizing judges, clergymen, lawyers, and others——

Mr. MAZEY. Let's get the clergymen thing straight a moment. I didn't pick a fight with the clergy in Sheboygan. I wasn't criticizing the clergy. They picked a fight with me.

I didn't adopt the resolution. They did. My speech that I made on November 17 clearly explains my position. Unfortunately the other day with all of the cross-examination of the three Republican Senators who were here, you tried to put words in my mouth as to what my attitude is. Sir, I resent that kind of questioning. I think it was unfair.

Senator MUNDT. I think the record is pretty clear concerning what you had to say on that subject, Mr. Mazey.

Mr. MAZEY. Yes, I think the record is clear, too. Let's let it rest there.

Senator MUNDT. If you want to go into that, we can open it up again.

Mr. MAZEY. I don't want to open it up, no.

Senator MUNDT. We were talking about Mr. Vinson. You said you didn't like my emphasis on the use of the word "imported."

Mr. MAZEY. That is right.

Senator MUNDT. But, anyhow, Mr. Vinson, working with you in the strike area, living in Detroit, doing his kicking and beating up in Sheboygan——

Mr. MAZEY. He didn't kick anybody. He testified here he didn't kick anyone.

Senator MUNDT. Whatever he did, he went to jail.

Mr. MAZEY. But you made the charge he kicked someone, and he didn't kick anyone. On behalf of Mr. Vinson I object to your making a false statement.

The CHAIRMAN. The testimony is controversial with respect to whether he kicked or didn't kick. One might have the opinion that the fellow who said he kicked was telling the truth, and the other one might have the opinion that the one who said he was kicked wasn't telling the truth.

Each is entitled to his viewpoint.

Mr. MAZEY. May I make a comment, Mr. Mundt?

Senator MUNDT. About the kicking?

Mr. MAZEY. No. Mr. Vinson testified under oath that he didn't do any kicking. He also testified that he paid his penalty to society. I don't think we ought to kick Vinson around. He has paid his penalty, he made a mistake, he admitted it. Why keep kicking him around?

Senator MUNDT. My purpose in mentioning him was to point out something else he testified to. He also testified that his attorney fees were paid for by the UAW, by Mr. Mazey's check.

Mr. MAZEY. No, he did not testify to that.

Senator MUNDT. He did.

Mr. MAZEY. Senator Mundt, I am not a betting man.

Senator MUNDT. He said he was out on bail, and I asked who paid the bail, and he said it must have been the UAW. He didn't pay it.

Mr. MAZEY. I am not a betting man, but I am willing to bet you $20 now that Mr. Vinson did not testify that the UAW paid his attorney fees. I testified to that.

Senator MUNDT. Let me ask you a question.

The CHAIRMAN. The Chair is not going to hold stakes in a matter such as that.

Senator MUNDT. Can you categorically deny that the UAW paid the attorney fees?

Mr. MAZEY. Senator Mundt ——

Senator MUNDT. That is a question.

Mr. MAZEY. I am denying nothing.

Senator MUNDT. Mr. Chairman, let me get an answer. I asked the witness can he categorically deny that the UAW paid the attorney's fees for Mr. Vinson.

Yes, or no?

Mr. MAZEY. Mr. Mundt, that is an unfair question and it is stated improperly.

The CHAIRMAN. Do you mean the International UAW?

Senator MUNDT. Right.

The CHAIRMAN. Answer the question.

Mr. MAZEY. I will answer it, but I wouldn't answer it "Yes" or "No." I testified the other day, and I did this freely, you didn't have to ask me any questions, I testified the other day that we paid Mr. Vinson's attorney's fees. It wasn't Vinson that testified to that effect. I did it.

Senator MUNDT. I am glad to have it in the record.

Mr. MAZEY. It was in the record before, if you were listening, Senator.

Senator MUNDT. I think it was. I think I heard Mr. Vinson say it.

Mr. MAZEY. No, you didn't.

Senator MUNDT. How about his bail? Did the UAW pay his bail?

Mr. MAZEY. I made a statement the other day that if any bails were paid, if any fines were paid, if any attorney's fees were paid of anybody who was arrested in relation to the strike, that the International Union UAW paid it, and I repeat that statement today.

Senator MUNDT. Which gets back to prove that when I said you had a very good forgettery this afternoon, you were forgetting first class.

Mr. MAZEY. I wasn't forgetting. I testified to that the other day.

Senator MUNDT. Today you said there was nothing in the record.

Mr. MAZEY. Senator, you just check the record. I haven't said anything different today than I said the other day. If there is anyone who is forgetting, it is just you.

Senator MUNDT. I have a question going to your basic philosophy, and then I will yield the floor. The union wanted to talk to nonstrikers whenever they could to try to persuade them to stay out of the plant and join up with the strike, right?

Mr. MAZEY. Right. It is just the same as we talk to Republicans to try to convince them to vote for good Democratic candidates. It is the same business.

Senator MUNDT. I am sure you do. Would it have been equally right and proper for the company to talk to strikers to try and per-

suade them to leave the strike and go back to the plant, or is it free speech just one way?

Mr. MAZEY. I am not sure that they have that right. I think they did it.

Senator MUNDT. Would it be equally proper and right? I am asking you.

Mr. MAZEY. I think it would be.

Senator MUNDT. We will close on this happy note of agreement, temporarily.

Mr. MAZEY. I am glad we can agree on something, Senator.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Mr. Mazey, to get into another phase, I have read your constitution as carefully as I could and I want to say that it is a very complete constitution, and from what I have seen of other constitutions, in the union movement it could possibly serve as an example. I have noticed during the years, say the last 5 years or so, that the executives of the UAW have a very high regard for their constitution. Am I correct in that?

Mr. MAZEY. We do have, sir.

Senator GOLDWATER. What do you have in your ethical practices code, if any, and I am not sure that you have, regarding violations of your UAW–CIO constitution?

Mr. MAZEY. Well, in the constitution itself, there are several methods in which violations of the constitution can be dealt with. On the local-union level, a member of the local union has a right to bring charges against a fellow member of the union or an officer of the union, if he feels that he has violated the constitution.

The international executive board itself can initiate charges against members of the local union and against officers and members of the executive board itself if they feel that there have been violations of the constitution. We have a procedure, under the constitution, where a trial committee is selected from among the delegates at the last convention. Each of the parties, they pull out 50 names from among those who were delegates of the convention, the party being charged and the party making the charges having peremptory challenges, and they finally wind up with a jury to make a decision on the trial machinery. We also have a provision that if any member on the local-union level feels that he has been unjustly treated as a result of a trial or some other action of the union, he has a right to appeal before the international executive board. If the international executive board acts upon his appeal, and he is still dissatisfied, he has two avenues to follow: He can take the matter to a convention and appeal it directly to the convention, in that, or he can take the matter to a public review board. We have a public review board, I believe, of seven members, of some clergy and other members, whether or not he has a right to appeal.

Senator GOLDWATER. You do have mechanics whereby people who violate the constitution can be punished, and I understand then some people have been punished. I cannot recall the names, but I understand somebody in connection with the Toledo union was dismissed in connection with violation of the constitution. Are you in agreement that the constitution must always be followed to the letter, regardless of motive?

Mr. MAZEY. Yes; I think I am. There is one provision in the constitution, in the installation ceremonies, swearing the officers in, that states that, if any problems come up that are not covered in the constitution, we are directed to use commonsense in dealing with those problems.

Senator GOLDWATER. Mr. Mazey, without having to go through it all, are your duties described by the constitution?

Mr. MAZEY. Are our duties what?

Senator GOLDWATER. Are your duties described by the constitution?

Mr. MAZEY. Do you mean prescribed?

Senator GOLDWATER. Prescribed and described; yes.

Mr. MAZEY. Yes; they are prescribed by the constitution, some of my duties.

Senator GOLDWATER. What procedures do you follow in making disbursements?

Mr. MAZEY. What procedures do I follow in making disbursements?

Senator GOLDWATER. Yes.

Mr. MAZEY. We make disbursements on the basis of vouchers.

Senator GOLDWATER. Pardon?

Mr. MAZEY. We make disbursements on the basis of vouchers.

Senator GOLDWATER. Do you have executive board meetings for large expenditures?

Mr. MAZEY. Probably the single largest expenditure that we have, Senator, is the—probably the single largest expenditure we have is our payroll, and the international executive board decides who the members of the staff will be, also decides the salary of the staff. Once that decision is made, that is authorization for me to pay their salaries; that is the largest expenditure. If we were buying a building, and we decided to spend $2 million for a building, this would be a matter that I would not act on by myself, but I would take it to the executive board for action.

Senator GOLDWATER. That is, anything outside of the normal role of payrolls, like the acquisition of buildings, or property or equipment, et cetera; do you take that to the executive board?

Mr. MAZEY. The executive board has a number of policies that prescribe my duties and my functions. For example, we have spent over $10 million on strike activities in the Kohler situation. It is not necessary for me to take every one of these expenditures to the executive board, even though they may be large expenditures. The executive board adopted a strike-assistance program, and I am delegated, with the administrative responsibility, to carry that program out.

Senator GOLDWATER. I can understand the necessity for that. I am talking about the expenditures that would be outside of the normal expenditures of operating the union.

Mr. MAZEY. I have a great amount of latitude, such as——

Senator GOLDWATER. You mentioned the purchases of buildings, and I know that unions are purchasing buildings. On real estate, would the executive board be consulted on that, or do you have carte blanche approval to spend what you want?

Mr. MAZEY. No. The executive board would be consulted on that. But there are a lot of areas in which I have a great deal of discretion.

Senator GOLDWATER. What responsibilities does the president have in connection with these expenditures?

Mr. MAZEY. The president?

Senator GOLDWATER. Yes.

Mr. MAZEY. Under the terms of the constitution, the president is supposed to approve, is supposed to countersign, the checks on any of the bills that I pay.

Senator GOLDWATER. During the cross-examination by Senator Mundt, I believe you said—and I may be not exactly right on this, so you can put it in any language that you feel was the language that you used—you said the use of an informer is reprehensible.

Mr. MAZEY. That is correct.

Senator GOLDWATER. What is your interpretation of an informer versus a friend?

Mr. MAZEY. Senator, you are now getting into the area, and from the questions you asked me, I assume you are talking about the investigator we had in the Reuther shooting. Is that what you leading to?

Senator GOLDWATER. I think we are getting to that, yes.

Mr. MAZEY. Why don't we get to it, and I will tell you about it?

Senator GOLDWATER. You tell me what an informer is and then we will get into it.

Mr. MAZEY. An informer is someone you hire to spy for you.

Senator GOLDWATER. A man that you pay for information.

Mr. MAZEY. A man you pay for information? That is right.

Senator GOLDWATER. Whereas if it was a friend, who came to you and said, "Here is some information you ought to have," he would be a friend of the union and you would take his information?

Mr. MAZEY. That is correct.

Senator GOLDWATER. But an informer is one that you pay?

To put all of your high motives together, satisfy your conscience in the instance of Donald Ritchie whom you agreed to pay $25,000 to and you have paid $5,000 to. Mr. Rauh, instead of just speaking to him, would you speak up so I could have the benefit of what you said?

Mr. RAUH. I said take it easy. Don't get angry at that outrageous question.

Senator GOLDWATER. Thank you very much.

Mr. MAZEY. Senator Goldwater, I anticipated your question. I am prepared to answer it in detail.

Senator GOLDWATER. Before you open your book, how do you satisfy your conscience as to the statements you made about not paying informers, and you agreed to pay a man $25,000 for information, and then paid him $5,000. I don't think you paid him the other $20,000. How do you square that up with Emil Mazey as he goes to bed at night and says "What have I done wrong"?

Mr. MAZEY. Senator Goldwater, it will take quite a while to answer your question.

Senator GOLDWATER. It will not take long to answer that at all.

Mr. MAZEY. Yes, it will.

I think you ought to have all the facts. I will not let you put me in the position of just answering part of it.

Senator GOLDWATER. Are you suggesting that you are going to tell the Senate committee how we are going to ask questions? Are you suggesting that?

Mr. MAZEY. Senator Goldwater, there have been people who have taken the stand and used the fifth amendment. I don't know any

amendment that stops me from giving you all the information on a given subject matter that you ought to have.

Senator GOLDWATER. I don't know any either. But I think you ought to state "Yes" or "No" first.

The CHAIRMAN. State the question again.

Senator GOLDWATER. I asked Mr. Mazey how he could square the remarks he made relative to saying that the use of an informer is reprehensible when he has agreed to pay an informer $25,000.

Mr. MAZEY. Senator Goldwater, to——

The CHAIRMAN. Have you agreed to pay an informer $25,000?

Mr. MAZEY. I have not. And I would like to explain this matter, if I may.

Senator GOLDWATER. You are under oath, Mr. Mazey.

Mr. MAZEY. I am under oath.

The CHAIRMAN. The Chair will permit you to make a brief explanation. Proceed.

Mr. MAZEY. Mr. Chairman, and members of the committee, on April 20, 1948, an attempt was made on the life of Walter Reuther. About a year later, 1949, an attempt was made on Walter Reuther's brother, Victor, and an attempt was made on his life. He lost one eye in this matter. On June 6, 1949, the international executive board adopted a resolution offering a reward of $200,000 leading to the arrest and conviction of the people who tried to murder Victor Reuther.

We adopted another resolution on July 7, 1949, and adopted a resolution at our convention on July 10, 1949. I spoke to that convention on all of the steps that we had taken to trying to find the people who attempted to murder Walter Reuther.

During 1949, we were unhappy with the progress of the investigations by the Detroit Police Department, and, as a result, we hired two investigators of our own. One of the investigators used to be chief investigator for the LaFollette committee, Col. Heben Blankenhorn, and he used to be on the general staff of General Eisenhower, and also on the general staff with General Pershing. On his recommendation we hired another investigator by the name of Ralph Winstead.

Senator GOLDWATER. You have not answered the question.

Mr. MAZEY. I am answering the question.

Senator GOLDWATER. You have not even——

Mr. MAZEY. I am answering the question, Senator Goldwater, if you will give me a chance.

Senator GOLDWATER. No, you are not.

Let me put it another way to satisfy the chairman and to satisfy me and then we can get into this thing if you want to. On or about the 22d of December 1953, did you ask the disbursing officer of the UAW to write a check for $25,000 to be drawn from the general fund of the UAW?

Mr. MAZEY. Yes, I did.

Senator GOLDWATER. All right. Who was that check to be made payable to?

Mr. MAZEY. The check was to be made payable to an attorney by the name of Moran, in the city of Windsor, Ontario, to be placed in escrow as part of a reward arrangement that the union had worked out in trying to find the killers of Walter Reuther.

Senator GOLDWATER. What account did you charge that check to?

Mr. MAZEY. I charged it to the general account.

Senator GOLDWATER. Did you hold an executive board meeting to discuss the spending of $25,000?

Mr. MAZEY. I did not.

Senator GOLDWATER. Why didn't you?

Mr. MAZEY. If I may be permitted, Mr. Chairman, I was getting to this very point in what I was saying before being germane to this question.

The CHAIRMAN. Go ahead, if you can, and answer——

Senator GOLDWATER. Before we get into this lengthy——

The CHAIRMAN. I asked him to go ahead and state it.

Mr. MAZEY. Senator Goldwater, after we issued a reward of $200,000, approved by the convention, we had information in 1953 that Mr. Ritchie had some information as to the Reuther shooting. He told the prosecuting attorney of Wayne County in the presence of our investigator that he was present at the Walter Reuther shooting and could name the people who took part in the shooting. He was dissatisfied with the provisions of our reward offer, and he said at the point that he would testify he was afraid he would get knocked off by the underworld, and he wanted certain changes in the reward offer that would make it possible for him to testify and to protect his widow in the event he got killed by the gangsters who shot Walter Reuther.

As a result of the statement by Mr. Ritchie—and it might be of some interest to you, Mr. Senator, that there is a four and a half million dollar lawsuit against the union and me in Detroit. On this very question I spent five and a half days on cross-examination, not nearly as bad as what I am going through with you, in this trial, and I explained this whole procedure.

The reward offer that was made, and I have it here, I have the agreement we made with the Crown Trust Co. and Donald R. Moran—provided that if Mr. Ritchie gave a statement to the prosecuting attorney in the presence of police that would lead to the issuing of a warrant on the people involved in the Walter Reuther shooting, that at the point that a warrant was issued, he would get $5,000.

The offer also provided that if these people were brought to trial, that his wife would get $10,000.

I made a mistake a moment ago. He wouldn't get the $5,000 but his wife would get the $5,000. If the people were brought to trial, his wife would get an additional $10,000. If they were convicted, there would be an additional $10,000 paid to his wife, a total of $25,000.

(At this point, Senator McNamara left the hearing room.)

Mr. MAZEY. The agreement also provides that in the event the reward offer, which is in the hands of a judge, a councilman, and a Catholic priest, that if they gave him any part of the $200,000 reward money, that any moneys that we gave Mr. Ritchie's wife under this agreement would be subtracted from the reward money.

That was the purpose of the agreement, to try to solve the attempted murder of Walter and Victor Reuther. As to why I had this authorization for the check made I anticipated you would ask this, because Mr. McGovern was in the courtroom one day while I was testifying on this question.

I testified in court and I will testify here that the authorization—I had a memo dictated. I think it was dictated by my administrative assistant, at that time Tony Strommer, to the effect to pay a check to

Donald R. Moran for $25,000 for the purchase of property in Canada. Why did I take this precaution? I took this precaution because the the underworld in my opinion had contacts inside my union.

The only way I could protect the life of Ritchie and the only way I could try to bring a solution to this matter was to make certain that nobody outside of a few of us, nobody had any knowledge as to what the transaction was.

A gangster by the name of Santa Perrone made a contact with a former board member of our union, Nelson Bishop, a man I succeeded as a member of the international board. They had an arrangement which permitted the contract to expire with the Detroit Stove Co., and Mr. Bishop and Perrone were found shining deer, and they were both arrested and convicted of shining deer, and when you have one experience of the underworld worming its way into your organization, you take precautions on matters as important as this. That is the story on the matter.

Senator GOLDWATER. Thank you very much, Mr. Mazey. Now, you have held that your union's finances are conducted in a proper way.

Mr. MAZEY. That is right. They have been.

Senator GOLDWATER. You have testified in effect that your constitution spells out how these payments shall be handled. You said you operate on vouchers, and that if you have a large investment for real estate or for buildings, which is outside the normal routine of a union operation, that you hold an executive board meeting. You didn't do it in this case.

Mr. MAZEY. That is correct, I didn't.

Senator GOLDWATER. The check was not made out to the person for whom the check was intended, but it was made out for real estate in Canada.

I am glad you supplied the information with respect to the shooting of Mr. Reuther, nobody likes that. It is reprehensible when things are done on anyone, whether they be management or union, or what not. But you took the point—you can speak up, Mr. Rauh, I can't hear you very well.

What were you trying to tell him?

Mr. MAZEY. I can hear you, Senator Goldwater.

Senator GOLDWATER. No, unless he is giving you some legal advice, I think he is a little bit out of bounds.

Mr. MAZEY. Nobody has to give me advice. I can handle this myself, Mr. Goldwater.

Mr. RAUH. I have been continually saying "Don't get angry."

The CHAIRMAN. Let the Chair make that official.

Don't get angry.

Mr. MAZEY. Does somebody have a tranquilizer pill?

Senator GOLDWATER. I will continue. You have taken it on yourself to go around your constitution, when you have testified as to your intention of sticking with this constitution and the fact that you have actually had members tossed out of your union for going against the constitution, and I think that is a good idea, frankly.

If you write a constitution, it ought to be adhered to. You shouldn't be finding loopholes in it. While I can only speak from what has been reported as trial evidence, I believe you used the language in

answering Mr. Louisell, "I have authority to do anything I want to do."

Mr. MAZEY. Senator Goldwater, I don't know what context Mr. McGovern got that information for you, as I told you, I spent five and a half days on the witness stand. One of the people that was named by Mr. Ritchie as having been the payoff person in the attempt on Walter Reuther's life has brought a lawsuit of four and a half million dollars against the union and against me. I testified, and I testified freely and honestly in this court proceedings. One of the things I testified to was that the action of the reward was approved by a convention of the international union that was held in the city of Milwaukee on July 10, 1949. I reported to the convention, and the resolution was adopted, I reported to the convention the steps that we had taken to proctet the life of Walter and Victor Reuther. I spelled the matter out in detail.

Senator GOLDWATER. Mr. Mazey——

Mr. MAZEY. I would like to at this time, just to clear the record and make sure that you know that I had authority to make this arrangement on the $25,000 reward, I would like to read the resolution that was adopted at this convention, and my remarks explaining the resolution.

It was adopted by unanimous vote of duly elected delegates by secret ballot. I was completely in line in making this arrangement for $25,000. If I had the authority to spend $200,000 in reward money, I certainly had the authority to spend $25,000.

Senator GOLDWATER. Did you discuss this before the executive board before you caused a check to be written or after you caused a check to be written?

Mr. MAZEY. I discussed it with the executive board after I made the arrangements. The very nature of trying to find out who shot Walter and Victor Reuther was a matter that you didn't hold a mass meeting to make decisions on. I was given authority by the officers of the union to use my judgment in trying to bring to justice the people who attempted to assassinate Walter and Victor Reuther.

Senator GOLDWATER. Are these minutes a matter of union record?

Mr. MAZEY. The minutes of the approval of my——

Senator GOLDWATER. Of the executive board meeting that you held after the check was written.

Mr. MAZEY. No. I testified in court that this was an executive session and we didn't keep minutes of the matter. Walter Reuther also testified in the same court matter that this action was approved. Now, I have three resolutions here which I have referred to, including a convention resolution, where I have this authority.

Senator GOLDWATER. Mr. Mazey, doesn't section 10 of article XII start out by saying, "Verbatim minutes shall be taken at all meetings of the international executive board"?

Mr. MAZEY. That is the same question that Mr. Louisell, the attorney for Mr. Renda asked me.

Senator GOLDWATER. I am glad to find out some of this legal procedure. Can you give me an answere to that?

Mr. MAZEY. Yes. The constitution does talk about verbatim minutes.

Senator GOLDWATER. Why didn't you follow the constitution?

Mr. MAZEY. Because we, when we are dealing with a matter that affects the life of our union, we go off the order in executive session, the same as you went into executive session the other day on matters relating to this hearing.

Were they made public?

Senator GOLDWATER. We make records.

Senator MUNDT. To keep the record straight, Mr. Chairman, I read that in the paper this morning, and the motion to make the meetings public was made by Senator McNamara, and seconded by Senator Goldwater, and I said that I was in favor of it.

To the contrary notwithstanding, it is wrong.

Mr. MAZEY. Let's get the question of verbatim records straight.

The CHAIRMAN. That motion was made one day and voted on another.

The record shows how each member voted. If anybody wants to make public how they voted, I don't care. Bear this in mind. There are times, of course, when the business should be transacted in executive session, and it is quite proper.

I don't know about your executive sessions but there are minutes of the executive sessions where we hold sessions, I can assure you. Not only minutes, but there is a record of the conversation had, the arguments made, and the motions and so forth.

Mr. MAZEY. In that particular case, on verbatim records, I want to answer your question, Senator Goldwater. We did not keep verbatim minutes. We went into executive session. We didn't keep records because of the nature of the matter. For example, when we are sitting down and talking about tactics and strategy in our collective bargaining, this is a matter that we don't keep verbatim minutes on either. I am pretty sure it would be quite easy for General Motors, Ford, or Chrysler or somebody else to pick up a copy of our verbatim minutes and they would know exactly what we were planning.

Senator GOLDWATER. Don't you think in view of that that the constitution, as good as I think it is, might be tightened so that you would not have the authority to do pretty much what you want to, as it is obvious that you have, with not only the funds but with the minutes of these meetings?

Mr. MAZEY. Senator Goldwater, my action in this matter of 1953 has been approved unanimously by the delegates to our conventions on two occasions. I was elected by unanimous action without any opposition in 1955. I was elected without any opposition in 1957, and the newspapers were full of this stuff. We had the story in our own paper, The Auto Worker, and the members knew that I had made this reward arrangement, I wasn't buying information from informers, that I had made this arrangement as a means of trying to solve the Reuther shootings. If I had to do it again tomorrow, I would do exactly the same thing.

Senator GOLDWATER. That is all, Mr. Chairman.

The CHAIRMAN. Senator Mundt.

Senator MUNDT. Does some other members of the committee have any questions?

The CHAIRMAN. The Chair will have some when everyone else has concluded.

Senator MUNDT. Echoing the profound legal advice of your delightful counsel, Mr. Mazey, don't get angry, but you just lost $20.

Mr. MAZEY. You didn't take the bet.

Senator MUNDT. On page 1333 of the hearing, on March 6, 1958, Mr. Vinson was testifying under oath, and Senator Curtis was interrogating. He was talking about the Vinson case, and he said to Mr. Vinson:

How was the case disposed of?
Mr. VINSON. I believe I got a $25 fine out of it. I never appeared on it. I believe I was in Wisconsin Prison when it was disposed of.
Senator CURTIS. Who paid the fine?
Mr. VINSON. I presume the local or the union did.
Senator CURTIS. The international?
Mr. VINSON. I presume they did.
Senator CURTIS. What lawyer looked at it?
Mr. VINSON. Mr. Rabinowitz.
Senator CURTIS. Who paid him?
Mr. VINSON. I presume the international.

You may have testified to the same thing, but Mr. Vinson clearly testified to that fact.

Mr. MAZEY. This had nothing to do with the question of the beer-garden brawl. He was testifying to another incident.

Senator MUNDT. That is correct. I said his counsel was paid, his fine was paid, and his bail was paid by the UAW.

Mr. MAZEY. Mr. Vinson said he presumed that the International did. I made a positive statement on Friday that we paid it, and I made the same statement today.

Senator MUNDT. Your wager wasn't called. Let your conscience be your guide.

If you think you lost it, I suggest you send a check for $25 to the Red Cross. If you can weasel out of it, keep the money.

Mr. MAZEY. But you didn't take the bet.

The CHAIRMAN. Let's go ahead with the questioning.

Senator MUNDT. To be more specific, on March 7, I asked you a lot of questions, Mr. Mazey, to discover whether the UAW or its officers or any of its locals were using illegal methods or devices or tactics in their attempted boycott of the products of the Kohler Co.

I believe you can recall that colloquy. In the course of your replies to my statements, you said that there were three cases in which the NLRB intervened in the Kohler boycott situation, in which the union stipulated that it would obey the Taft-Hartley law and refrain from any illegal conduct in pursuance of the boycott.

(At this point, Senator Goldwater withdrew from the hearing room.)

Senator MUNDT. In your testimony on Friday, you referred to those three cases in which the NLRB intervened in the Kohler boycott, and in which according to you, your union stipulated or agreed to obey the Taft-Hartley Act, and do nothing illegal in carrying on the boycott against Kohler.

To refresh your memory, as I recall it, you identified those cases, one being in Los Angeles County, the Essersheen Institution, or something of that kind, the second was the Jackson-Link Co. up in Jackson, Mich., and what was the third one?

Mr. MAZEY. The third one was in Milwaukee, Wis.

Senator MUNDT. This third was in Milwaukee, Wis. What was the name of that case?

Mr. MAZEY. I don't recall the name, but I have the folder here. I thought we were through with the boycott.

Mr. RAUH. We have a long memorandum we have been working on. We didn't have much time over the weekend, Senator, but we did get one ready. I am sure by morning I can submit it to you. I just have some handwriting at the moment.

Senator MUNDT. Well, at the moment it is not so important, if you can't recall the name, Mr. Mazey. Let me ask you this question: The Milwaukee case, is that 1 of the 3 that you referred to in your testimony last Friday?

Mr. MAZEY. Yes. I referred to the Milwaukee case. I am trying to find the name of it. You asked me for the name. It was some importer of clay. The Paper Makers Importing Co., I am told is the name.

(The witness conferred with his counsel.)

Senator MUNDT. Did you find the name?

(The witness conferred with his counsel.)

Mr. MAZEY. The name of the case, Senator—I have here a stipulation of the United States District Court for the Eastern District of Wisconsin, Ross M. Madden, regional director of the 13th Region of the National Labor Relations Board, for and on behalf of the National Labor Relations Board as the petitioner, against the international union, United Automobile, Aircraft, and Agricultural Implement Workers of America, Local 833, International Union United Automobile Aircraft and Agricultural Implement Workers of America, Local 2 of the American Federation of State, County, and Municipal Employees, A. F. of L., Milwaukee County District Council No. 48, American Federation of State, County, and Municipal Employees, A. F. of L., and Local 139, International Union of Operating Engineers, A. F. of L., as respondents.

Senator MUNDT. I have some questions on that, because I would still like to have you spend this $20. I want the record to be abundantly clear. You called my attention to the fact that the questions I read to you might have dealt with some other case, because a $25 fine was involved.

Mr. MAZEY. A what?

Senator MUNDT. A $25 fine was involved.

Mr. MAZEY. There was no fine involved in the Milwaukee case.

Senator MUNDT. I am talking about the case that you wanted to make a wager on, on your testimony of that. On page 1286 of the record, Mr. Vinson was asked a question about Mr. Rabinowitz, by Senator Curtis:

> Is he an attorney to the UAW?
> Mr. VINSON. He is.

This is the case dealing with Mr. Van Ouwerkerk, if that is what you call the Beer Garden case.

Mr. MAZEY. I believe it is.

Senator MUNDT.

> Senator CURTIS. Was he at that time?
> Mr. VINSON. Yes, sir; he was.
> Senator CURTIS. Did they provide you with your defense?
> Mr. VINSON. They did.
> Senator CURTIS. Did you pay any of it yourself?
> Mr. VINSON. No, sir.
> Senator CURTIS. They paid both attorneys?
> Mr. VINSON. I presume they did.
> Senator CURTIS. There was an appeal taken?

Mr. VINSON. Yes, sir.
Senator CURTIS. And the appeal was decided against you?
Mr. VINSON. Yes, sir; it was.
Senator CURTIS. How long a time did you serve?
Mr. VINSON. 13½ months.
Senator CURTIS. And you say you did break his ribs?
Mr. VINSON. I presume I broke his ribs. He testified in court that they were broken.

So I want it to be abundantly clear that Mr. Vinson, regardless of what you may have said, and you may have corroborated it, that Mr. Vinson did testify that in that case the counsel was paid for by the UAW.

Mr. MAZEY. Senator Mundt, if you will leave Vinson alone from now on, I will be glad to give you the $20 right now.

Senator MUNDT. I don't want it. Give it to the Red Cross.

Now, you testified on page 1476 in response to my question. I asked you this:

Has the NLRB General Counsel issued a complaint against your present Kohler boycott?
Mr. MAZEY. They have not.
Senator MUNDT. They have not?
Mr. MAZEY. No.

Do you want to let that stand in the record without correction?

Mr. MAZEY. Yes. I don't believe a complaint was issued.

(The witness conferred with his counsel.)

Mr. MAZEY. I am advised by our attorney that no complaint was processed by the general counsel for the NLRB.

(The witness conferred with his counsel.)

Mr. MAZEY. There was a temporary injunction in Milwaukee but no complaint was processed.

Senator MUNDT. Are you aware of the fact that this case, and this was the Paper Makers Importing Co., I believe——

Mr. MAZEY. That is right.

Senator MUNDT. General Counsel issued a complaint against Kohler Local 833 of the International UAW, as well as several other unions, for violation of the secondary boycott ban of the Taft-Hartley Act because of your union activities in carrying out the boycott?

Mr. MAZEY. I am told that no complaint was issued, Senator. I think we are now getting involved in some legal language.

Senator MUNDT. We are getting involved in your testimony as to whether it was accurate that it didn't happen.

Mr. MAZEY. I am advised by my counsel that no complaint was issued.

Senator MUNDT. In case you don't know, you testified categorically to it the other day, and if you don't know, the complaint was issued on August 23, 1955.

Mr. RAUH. Senator, may I interpose, sir?

I think there is a confusion in words between a type of complaint issued by the General Counsel of the NLRB and a complaint that you file in a courtroom for a temporary injunction. I think it is somewhat unfair to go into that kind of a technical distinction with a lay witness. I promise you we will file exactly all the legal papers with you tomorrow. I think there was no complaint in the sense that Mr. Mazey used it, a general counsel complaint. If we are wrong, we will file that, too.

Senator MUNDT. You can file what you want to. I am not trying to get Mr. Mazey involved in a perjury. I am simply pointing out that I asked him some questions the other day and subsequent information indicates to me that he gave the wrong answers. He may have given the wrong answer because of an abundance of ignorance, not knowing it.

I am not accusing him of deliberately trying to misrepresent the facts. But from the stories that went out in the papers and the general impression the committee received it was that no complaint had been issued. I am trying to straighten it out.

Are you aware that on the basis of that complaint, Mr. Mazey, the NLRB issued a cease and desist order against both local 833 and the International UAW directing them to cease and desist from picketing and other activities, from engaging in threats and violence, an object of which was to induce the two paper companies involved to cease to do business with the Kohler Co.?

Mr. MAZEY. I am not aware of any orders as such being issued by the NLRB. We did stipulate that we would obey the law and in our stipulation said we had not been violating the law. We did say that. But the NLRB did not issue a complaint as you say, Senator, to cease and desist.

The NLRB did not act on this matter.

Senator MUNDT. This is our second go round on this. I don't want you to answer it unless you know. Are you prepared, then, to deny under oath that a complaint had been issued by the NLRB and a cease and desist order issued? I am trying to get the facts. You are not a lawyer, and I am not a lawyer, but we are struggling with legal terms. I want the record to be right.

Mr. MAZEY. First let's define what the NLRB is. The NLRB is a National Labor Relations Board, and it has five members.

You asked me whether they had ordered a cease and desist order and I said they did not. This matter never reached the National Labor Relations Board. The five Board members never at any time acted on this question. I say that very positively.

Senator MUNDT. If you want to say that five of them didn't vote on it, that is not my question at all. But did some responsible representative of the NLRB acting at their direction, with his authority, issue the cease and desist order?

Mr. RAUH. We honestly don't know at this time. I said we would file a memorandum in the morning.

Isn't that satisfactory?

Senator MUNDT. I know that. But I want to get the facts. If your witness is unprepared and says "I don't know," all right. I am just trying to get him to testify. I am not trying to put words in his mouth.

Mr. MAZEY. Senator Mundt, I am prepared to this extent, I testified the other day, and I quoted a statement issued by our general counsel, Harold Cranefield, on August 23, 1955, and I want to read that, because I think it will clarify the whole matter.

The NLRB hearings in Sheboygan on numerous unfair labor practice charges filed against Kohler Co. are of infinitely greater importance than the action brought against the UAW–CIO by an importer of clay for Kohler Co.

Those charges were charges that took 2 years 7 months to hear, and which the National Labor Relations Board now has before it, in which

a hearing officer found the Kohler Co. guilty of unfair labor practices.

The statement goes on:

> If the UAW–CIO contested this action, the inevitable result would be a delay in the hearings at Sheboygan so Kohler Co. attorneys could participate in the procedures which would result. The goal of the UAW–CIO is not punitive action against anyone. The sole concern of the union is in securing a speedy and equitable end to the Kohler strike. The hearing in Sheboygan has been going on for more than 2 months. Kohler Co. has just begun to present its defense. Since the hearing in Sheboygan can materially affect the outcome of the strike, the matter in Milwaukee is of subordinate importance. For the above reasons, the UAW–CIO International Union has stipulated that it will abide by the terms of the Taft-Hartley Act.
>
> We do not believe that we have violated any provisions of the Taft-Hartley Act, including those provisions relating to secondary boycotts. But we do not proposed to delay the case against Kohler merely to defend ourselves against an unfounded charge when the only order which the NLRB could enter against us in any event would be that we should obey the law.
>
> We have obeyed the law and intend to continue doing so. It is only logical that we should stipulate in court that we will continue to do so.

That is what we did in Milwaukee, Senator.

Senator MUNDT. Now, here was my question on Friday: "Has the NLRB General Counsel issued a complaint against your present Kohler boycott?" and you said they had not. I said, "They have not?" and you said, "No."

Mr. MAZEY. I am sorry, Senator.

Senator MUNDT. I did not ask about a five-man vote at that time, and I asked about the General Counsel and you said, "No." As a matter of fact on August 30, 1955, the Board approved a settlement providing for a Board cease-and-desist order and a consent circuit court decree.

Mr. MAZEY. If you called the stipulation a cease-and-desist order, Senator, then I may agree with you, if that is what you are referring to.

Senator MUNDT. Are you aware of the fact, Mr. Mazey, that a cease-and-desist order as a matter of fact, is still outstanding against the UAW?

Mr. MAZEY. It is not outstanding. We voluntarily agreed to it. There was no court order to that effect, and we agreed to stipulate this particular question.

Senator MUNDT. It was an NLRB order.

Mr. MAZEY. This was a stipulation. Our attorneys are preparing a brief on this matter which will clear up the whole thing, but I have read to you our position on this situation.

Senator MUNDT. You had indicated then that there is a significance to this type of order, because it was a stipulation agreed to by the union, in which the union does not admit its guilt; is that your position?

Mr. MAZEY. That is right. We admitted no guilt in any of these cases. We felt that the processing of the unfair labor practices charges against the company was more important than for us to waste our time trying to defend ourselves against these silly charges.

Senator MUNDT. Then, Mr. Chairman, I wish to point out that in this particular case the stipulation for settlement, as the NLRB designates it, was a formality, resulting in a cease-and-desist order which is as enforcible in the United States court of appeals as are the orders issued by the Board after a complete and formal hearing.

As a matter of fact, the United States Court of Appeals for the Seventh Circuit sitting in Chicago, Ill., entered a decree enforcing the NLRB order in this particular case in September of 1955. The only difference between this Board order and judicial procedure and decree and these issued by the NLRB and enforced by the courts after the usual hearings is that these orders and decrees may not be used in evidence in any other proceeding, whereas the customary orders and decrees may be used as precedent.

For all other purposes, in practical effect, they are the same. They constitute a finding and a decision by the NLRB and the court of appeals that the UAW in this case violated the Taft-Hartley Act by its boycott of Kohler.

For the benefit of my lawyer friends on the committee and for you who are not a lawyer, I am advised——

Mr. MAZEY. Can I ask you where that statement is from, and who wrote the statement as a legal opinion of some kind?

Senator MUNDT. This was a statement prepared by the staff. For the benefit of this nonlawyer and this committee, I am advised that the type of order and decree based on a stipulation for settlement is substantially equivalent to a plea of nolo contendere by a defendant in a criminal case.

This I dug up for myself: Black's Law Dictionary defines "nolo contendere" as follows: I will not contest it in the name of the plea as a criminal action, having the same legal effect as a plea of guilty so far as regards all proceedings on the indictment, on which the defendant may be sentenced.

Demurrer admits this plea for the purposes of the case all of the facts which are well pleaded, but here I point out the resemblance, "It is not to be used as an admission elsewhere."

I simply wanted to make it plain that regardless of anything to the contrary, which you said on Friday, Mr. Mazey, the NLRB and the Federal Government have found the International UAW and Kohler Local 833 guilty of violating the Taft-Hartley Act in carrying out their Kohler Co. boycott against the two companies involved in this case, and the cease-and-desist order still prevails.

I was not trying to trap you or trip you into a perjured statement. I asked a question in good faith, which I presume you answered in good faith, but it did not convey certainly the impression which is true, and that is that the NLRB general counsel did issue a complaint against the——

Mr. RAUH. If you have somebody on your staff who says a stipulation in a civil case is the same as nolle contendere you had better get rid of them because they have no relationship whatever, and I appeal to Judge Ervin as my authority.

Senator MUNDT. It has the same effect in this case, as a plea of nolle contendere. The reason the union did not take a demurrer against it is that they elected to end the case.

Mr. RAUH. On the contrary, a civil stipulation cannot even be used in another case and it is a method of settling it and it has nothing to do with an admission of guilt and I see the judge is about ready to rule and so I am ready to relax.

The CHAIRMAN. Let us make it brief and get onto the matter.

Senator ERVIN. I was going to say a plea of nolle contendere has no effect whatever except in a case in which it is entered. It cannot

be used to prove guilt in any other proceeding, but it is only binding in the case where it is entered.

Senator MUNDT. Which is exactly what I said in my statement and unless there is any doubt about it I will read it.

Senator ERVIN. Your legal opinion is quite correct, but I believe you are using a plea of nolle contendere to prove guilt in this investigation, rather than in the case out yonder.

Senator MUNDT. If I may refer to the statement that I read:

> This constitutes a finding and decision of the NLRB in the court of appeals that the UAW in this case violated the Taft-Hartley Act by its boycott of Kohler. Those orders and decrees may not be used in evidence in any other proceeding.

Senator ERVIN. I go so far as to concur with Judge Mundt in his definition of the effect of nolle contendere in a criminal case, but further than that I will not commit myself one way or the other.

The CHAIRMAN. Proceed.

Senator MUNDT. That is all, Mr. Chairman. I wanted to clear the record on that.

The CHAIRMAN. Are there any other questions?

All right, Mr. Counsel.

Senator ERVIN. I have no further questions. I think all of the questions have about been asked.

Mr. KENNEDY. I just want to clear up a few things.

Just on the shooting that you mentioned earlier, you mentioned some names that I would like to get straightened out. There was a Mr. Ritchie.

Mr. MAZEY. R-i-t-c-h-i-e; Donald Ritchie.

Mr. KENNEDY. He had signed a confession initially; had he?

Mr. MAZEY. Yes. He signed a confession that was taken by the prosecuting attorney in the presence of police in Detroit, in which he said that he rode with Clarence Jacobs and with Pete Lombardo, to Walter Reuther's home when Walter Reuther was shot, and he also said in his statement that Walter Reuther was shot by Clarence Jacobs.

Mr. KENNEDY. Did he also state who had instigated the shooting?

Mr. MAZEY. Yes; he said the shooting was instigated by Santo Perrone.

Mr. KENNEDY. Who was he?

Mr. MAZEY. Santo Perrone is a gunster in Detroit connected with the Detroit Stone Works and he held a contract there. He has a long jail record of convictions and he is the associate of Melvin Bishop, who used to be a member of the executive board of UAW, and is now a teamster organizer working for Jimmy Hoffa.

He also said that Carl Renda, who is the son-in-law of Santo Perrone was the payoff man and gave him $5,000 for going along on this job. Mr. Renda had a scrap contract with the Briggs Manufacturing Co. that was worth $168,000 net profit each year and the testimony on the scrap contract was revealed by the Kefauver committee hearings in February of 1951.

It might be of some interest that I appeared before the Kefauver committee and I gave testimony on the relationship of gangsters and management at that particular hearing. It might be well for the committee to look into the matter that was raised by Senator Goldwater, because Santo Peronne testified, and Dean Robinson, president

of the Briggs Manufacturing Co. testified, and he gave the scrap contract to Renda, and Renda testified.

Mr. KENNEDY. What is the relationship between Perrone and Renda?

Mr. MAZEY. Renda is a son-in-law of Santo Perrone.

Mr. KENNEDY. Who was the investigation conducted by in Detroit? Who was the individual?

Mr. MAZEY. In 1949, as I have testified previously we hired Colonel Blankenhorn.

Mr. KENNEDY. I am asking for the city and who conducted that?

Mr. MAZEY. It was conducted by the prosecuting attorney and by a picked staff of police in the city of Detroit.

Mr. KENNEDY. Initially, was it conducted all by them?

Mr. MAZEY. Initially it was conducted by the city police.

Mr. KENNEDY. And who was conducting it for the city police?

Mr. MAZEY. They had a detective by the name of DeLamelieure.

Mr. KENNEDY. What happened to DeLamelieure?

Mr. MAZEY. He was removed from his post on the police staff and he was demoted from a sergeant to—I don't know whether they call them privates or not; it is the lowest rate in the army, because he had hid an ownership in a bar that was located three doors from Santo Perrone's gas station.

Mr. KENNEDY. At the same time he was conducting the investigation?

Mr. MAZEY. Yes, sir.

Mr. KENNEDY. Who is Mr. DeLamelieure working for?

Mr. MAZEY. For Jimmy Hoffa, and he is one of Jimmy Hoffa's business agents at the present time. It might also be of interest that when we hired Blankenhorn and Winstead to conduct the investigation of the Reuther shooting for us, the first thing that DeLamelieure told them was for Blankenhorn to go to Europe to look for some Communists who may have attempted to shoot Walter Reuther and he told Winstead to go to Mexico. We had reason to think that he had done this because he did not want a solution to the shooting.

Mr. KENNEDY. You also mentioned a man by the name of Lewisell.

Mr. MAZEY. Lewisell is the top criminal lawyer in Detroit and he is defense lawyer for all of the big crooks and gangsters in the city of Detroit.

Mr. KENNEDY. Is that the former business partner of Jimmy Hoffa?

Mr. MAZEY. I don't know whether he is his business partner or not, but any time there is a murder or a shooting or in the present Renda business, Lewisell is there and he is the top counsel for criminals in Detroit.

Mr. KENNEDY. I believe it was developed during our previous hearings that he was also a business partner of Mr. Hoffa.

Mr. HAZEY. He may have been and I am not aware of the relationship.

Mr. KENNEDY. Now, I wanted to straighten those names out, but I would like also, to ask you some questions about the picketing that went on at the Kohler Co. while you were present. While you were present there was this mass picketing going on; was there not?

Mr. MAZEY. I don't like the term "mass picketing."

Mr. KENNEDY. There was a mass of men?

Mr. MAZEY. There were large numbers of Kohler workers picketing.

Mr. KENNEDY. They were outside so that it was impossible to get into the plant while these large numbers of men were there?

Mr. MAZEY. I think if people wanted to get in, they could have got in the plant. This picketing took place only in the early hours of the morning, about 6 o'clock until 8 o'clock and after that there were 20 people at the gates.

Mr. KENNEDY. When do the shifts start?

Mr. MAZEY. I don't recall; I imagine they start about 7 o'clock.

Mr. KENNEDY. They start at 6 o'clock so people ordinarily go to work when the shift begins. So they came to go to work at 6 o'clock and there were 2,000 men there. So they were unable to get in the plant. Are you arguing that that is incorrect?

Mr. MAZEY. No; I am not saying that. I think they could have gotten in if they wanted to and nobody was convicted for stopping anybody from going in.

Mr. KENNEDY. There is no question, now, Mr. Mazey. The movies showed it, and we have had a dozen witnesses before the committee who testified to the fact that they attempted to get into the plant, and there were some 2,000 men there who kept them out of the plant.

Now, you say that is untrue, and that these people could have come at the beginning of their shift and been able to get into work?

Mr. MAZEY. I am not saying it is untrue. I am saying there were large numbers of pickets there, but I have no way of knowing.

Mr. KENNEDY. You were there, and you had international organizers from Detroit there, and you had other representatives there, and you know that those men, the people that wanted to go to work, could not get to work.

Mr. MAZEY. The days I was at the picket line, I didn't see a single person attempt to go to work.

Mr. KENNEDY. Mr. Mazey, do you deny that it was part of the policy of the international, part of the policy of the local, to keep these people out of work?

If you deny that, you are denying the testimony of previous witnesses who admit it. Mr. Burkhart and Mr. Grasskamp admitted that part of the policy was to keep the people out of work.

Mr. MAZEY. We wanted to discourage anybody from going to work, and I am willing to admit that.

Mr. KENNEDY. It is not only a question of discouraging them. You were actively attempting, by a mass of people, to keep those who wanted to go to work from working.

Mr. MAZEY. I had previously said that every worker has a right to defend his job, and I think every striker——

Mr. KENNEDY. You are not answering the question. I am not saying that they don't have a right to defend their jobs. All I am asking you is this: Isn't it a fact that you had some 2,000 men out there who might have all felt that they were justified in their position, but the fact is that you had some 2,000 men out there who were keeping those who wanted to go to work from coming into the plant?

Mr. MAZEY. They were out there for several reasons. They were out there because the company challenged our majority.

Mr. KENNEDY. That is one.

Mr. MAZEY. They were out there because of the fear that was engineered by the murders in the 1934 strike.

Mr. KENNEDY. That is two.

Mr. MAZEY. And I assume that they were probably out there to try to persuade the people from going in.

Mr. KENNEDY. Now, when you speak of persuasion, it was not just a question of talking them out of it. It was a question of actively keeping them out of the plant so that a man could not get through 15 rows of other men?

Mr. MAZEY. When I say "persuading," I think they were trying to talk them out of going in.

Mr. KENNEDY. After that failed, Mr. Mazey, you know as well as I do that they were actively attempting to keep them out of the plant by standing in their way. There were 2,000 men there.

Mr. MAZEY. I will admit that some of them stood in their way.

Mr. KENNEDY. And kept them out of the plant?

Mr. MAZEY. They may have kept them out.

Mr. KENNEDY. And you knew that that was going on while you were up there?

Mr. MAZEY. Well, it didn't happen when I was there, and nobody attempted to go in.

Mr. KENNEDY. Did you know, Mr. Mazey, that they were keeping these nonstrikers out of the plant?

Mr. MAZEY. I know that for a period of time there weren't any nonstrikers going through the line.

Mr. KENNEDY. Just answer my question, Mr. Mazey. Did you know, during the period of the strike, that they were keeping the nonstrikers out of the plant?

Mr. MAZEY. Yes; I knew they weren't going in, and so they must have kept them out.

Mr. KENNEDY. Didn't you know, as a matter of fact, that they were keeping the nonstrikers out of the plant?

Mr. MAZEY. Well, I think if you would come right down to it, they probably were.

Mr. KENNEDY. You knew it at the time?

Mr. MAZEY. Yes, sir.

Mr. KENNEDY. Did you, as a representative of the international, the person second in charge of the International UAW, take any steps to prevent this illegal, or at least improper, action of keeping the employees who wanted to go to work from their jobs? Did you take any steps to insure that the picket lines were open for those who wanted to go to work?

Mr. MAZEY. I did not.

Mr. KENNEDY. Is that part of the policy of the International UAW in a strike such as this, in a situation similar to this, physically to keep people from their jobs?

Mr. MAZEY. To begin with, the matter was never brought to my attention. The point is, when the WERB hearings were held, we agreed to abide by their decision, and we reduced our pickets.

Mr. KENNEDY. I understand that. But you knew, as you admitted earlier, Mr. Mazey, that while this was going on these people, the nonstrikers, were being kept out of their jobs. You knew that?

Mr. MAZEY. Yes; I think that I knew that.

Mr. KENNEDY. You were second in charge of the international union. You stated that you took no action during this period, and there were approximately 2 months when you took no action, to open up the picket line to allow these people through?

Mr. MAZEY. That is right, I didn't.

Mr. KENNEDY. Now, is it the policy of the international to condone this kind of at least improper action of keeping people from their jobs when they want to go to work?

Mr. MAZEY. It was my opinion that every worker out there had a right to protect his job.

Mr. KENNEDY. And do you feel that they have a right to protect their job by physically stopping those who want to go to their jobs?

Mr. MAZEY. Well, there was court action.

Mr. KENNEDY. Just answer the question. Do you feel that that is proper?

Mr. MAZEY. I do.

Mr. KENNEDY. You feel, as the second in charge of the international union, that it is proper for strikers to physically keep nonstrikers from their jobs?

Mr. MAZEY. There is no evidence that anybody physically kept anybody from the plant.

Mr. KENNEDY. I believe there is. You have admitted that you knew that they were physically kept out of the plant.

Mr. MAZEY. Let us get the word "physically" straight. To begin with, if a person is standing there, that is one thing to stand there and another thing to use your hands and use your fists or something else to keep people away. That is physical action.

Mr. KENNEDY. They were standing there for the purpose of keeping them out of the plant?

Mr. MAZEY. I have agreed to that.

Mr. KENNEDY. So that in a physical way, they were physically there, and that is what was keeping them out of the plant. And so, therefore, they were physically keeping the nonstrikers out of the plant, and keeping them away from their jobs.

Mr. MAZEY. Well, somebody suggested the other day the tactics of Mahatma Ghandi, and maybe we should have had them lay down on the line. I think if we could do it over again that is probably what we would have done.

Mr. KENNEDY. Would you answer the question now?

Mr. MAZEY. What was the question?

Mr. KENNEDY. Is that part of the policy of the international to condone physically keeping nonstrikers out of a plant?

Mr. MAZEY. I don't believe it is; no.

Mr. KENNEDY. Was this an exception?

Mr. MAZEY. Well, I wouldn't say it was an exception.

Mr. KENNEDY. You did it in this case. You condoned it and you allowed it to continue. You permitted it. Is this an exception?

Mr. MAZEY. I didn't permit it, and I didn't make the decision on the matter, and I didn't permit anything.

Mr. KENNEDY. You were second in charge of the international, and you were there representing the international.

Mr. MAZEY. I was there for the purpose of carrying on negotiations, and I wasn't running the strike on the plant level. This was run by the local union.

Mr. KENNEDY. You were making speeches. You were talking about their activities, and you knew that this was going on. You knew that these people were being physically kept out of the plant, and you took no steps to have the picket lines opened up so that these people could go to work. Therefore, there is no question that you permitted it. You condoned it.

Mr. MAZEY. I personally——

Mr. KENNEDY. If this is an exception, I would like to know that, and if it is not an exception, I would like to know that.

Mr. MAZEY. Well, I said if it happened, it is an exception.

Mr. KENNEDY. It is an exception?

Mr. MAZEY. Yes.

Mr. KENNEDY. This is not the policy that is followed by the international?

Mr. MAZEY. No, and I don't believe that is our policy. I am not sure that we have a policy on this question.

Mr. KENNEDY. But it was permitted in this particular case?

Mr. MAZEY. Yes, and I have explained, Mr. Kennedy, that there was a lot of fear. A majority was being challenged, and people felt there was a safety in numbers.

Mr. KENNEDY. You might feel that there is a reason or an excuse for it. The fact remains that this activity went on, Mr. Mazey.

Mr. MAZEY. I have already admitted it went on.

Mr. KENNEDY. Now, I have just another point. Regarding the violence that went on, certainly it would appear from a study of the records there were at least more than 100 paint bombings.

Now, these paint bombings were directed against nonstrikers, and there weren't any paint bombings directed against strikers?

Mr. MAZEY. Yes, there were.

Mr. KENNEDY. No, the paint bombings of the homes were all directed against nonstrikers.

Mr. MAZEY. How about Bonanse?

Mr. KENNEDY. He threw paint. He did not fill a little bulb full of paint and throw it in a home. He threw some paint on a car or an automobile. That is one thing.

I am talking about where there was a paint bomb filled with paint and thrown into a home. That was all directed against the nonstrikers.

You say that the union knew nothing about that?

Mr. MAZEY. I do.

Mr. KENNEDY. Can you explain that? That is rather an intricate operation, to get the top of a light bulb off and fill it with paint, and then plug it up again. That is not something that can be done very easily.

When this was done in such large numbers, it would appear clearly that the international or the local union or some officials of the local union must have known that it was taking place?

Mr. MAZEY. I had no knowledge of it. The international is not responsible for it. To my knowledge the local is not responsible for it, and the Kohler Co. might have done this very well to try to give us a black eye, and nobody was ever convicted for any of these charges.

Mr. KENNEDY. Nobody was convicted, but the same type of operation went on in the Perfect Circle strike where you had paint bombings of homes?

Mr. MAZEY. In Perfect Circle, I am not aware of any paint bombings.

Mr. KENNEDY. There are at least two instances where you have a rather difficult operation, and you have this taking of a little bulb, and filling it with paint, and throwing it into a home. It is a difficult operation, and it took place against just nonstrikers in Kohler, Wis., and nonstrikers in Perfect Circle.

Mr. MAZEY. I have no knowledge of this taking place at Perfect Circle at all.

I do know something about the Perfect Circle situation.

Mr. KENNEDY. Our investigation has indicated that it took place.

Mr. MAZEY. I have no such knowledge.

Mr. KENNEDY. And it went on in such large numbers at Kohler, Wis., that it is very difficult to believe that it was not a concerted operation.

Mr. MAZEY. Well, there is no proof that we had anything to do with it.

Mr. KENNEDY. I agree there is no proof.

Mr. MAZEY. The company had its spies looking at this matter and they could not find anything. The fact that it happened to nonstrikers, we are not going to be convicted of guilt by association.

Mr. KENNEDY. You knew certainly as far as Mr. Vinson was concerned, Mr. Vinson went up there and got involved in a very brutal beating and certainly it was an act of condoning it when the union paid his salary after he went to jail.

Mr. MAZEY. No, it was not an act of condoning it at all. I did not like what Vinson did, and I thought it gave our union a black eye, and I did not like it at all. But at the same time I did not like what the judge did, and he threw the book at him.

Mr. KENNEDY. I won't get into all of that again.

Mr. MAZEY. But the judge could have suspended sentence as he usually does when the person does not have a record, and Vinson was a clean boy, and he served 4½ years in the Navy and he did not have a record, and he had the book thrown at him.

Mr. KENNEDY. He is weighing 220 pounds and he walked up to a fellow 125 pounds and hit him on the back of the head, and then belted him again so that he broke 4 ribs. He deserved some punishment. The fact is that beyond that, the International Union then paid his salary or continued his salary while in jail.

Mr. MAZEY. Yes, sir. I made the decision to pay his salary, and I think that I explained why. I would do it again under the same circumstances.

Mr. KENNEDY. If that is not condoning that kind of operation——

Mr. MAZEY. It isn't condoning at all, and I did not like what he did, and I raised the dickens with him about it.

Mr. KENNEDY. Did you raise it publicly?

Mr. MAZEY. What is that?

Mr. KENNEDY. Did you raise it publicly to repudiate him, and did you criticize what he had done other than criticize him personally? Did you do more than criticize the judge, and did you criticize him publicly?

Mr. MAZEY. I criticized him personally; yes, sir.

Mr. KENNEDY. Did you criticize him publicly, as you did the judge?

Mr. MAZEY. I don't know whether I did or not.

Mr. KENNEDY. I can't find any evidence of the fact that you criticized him publicly. You only criticized the judge who sentenced him.

Mr. MAZEY. I don't try to condone what Vinson did, and I think it was wrong, and I think it was improper and I think it can be understood. He had been drinking, and there was a lot of feeling, and emotions were high in a strike situation. I am not happy about it, and I think it has done us a great deal of damage.

Mr. KENNEDY. I am sure it has, but the fact is that when he went to jail, ultimately he went to jail and you continued or the International continued to pay him $100 a week.

Mr. MAZEY. The reason we did, Mr. Kennedy, was this: In an ordinary case Judge Schlichting would have suspended sentence, and placed him on probation, and that is what he should have done in Vinson's case, and he has done that in some other cases, but because Vinson happened to be a union man, and he happened to be from Detroit, he threw the book at him.

Mr. KENNEDY. That is your opinion?

Mr. MAZEY. It is my opinion.

Mr. KENNEDY. I believe that the record shows that the least that he could have given him was 1 year.

Mr. MAZEY. I am advised by counsel, and I checked on that thing, and I was disturbed by Judge Schlichting saying that the other day, and I checked it and I am told that Judge Schlichting corrected himself and he said he could have given him 6 months, and he could have sentenced him to the county jail, and I also found out that he could have placed him on probation because of his good record.

His having been a veteran, and never having been jailed before, this could have happened.

Mr. KENNEDY. But the fact is you never took any action or made any statement publicly about Mr. Vinson, although you did make a public statement about the judge who sentenced him?

Mr. MAZEY. Yes; I felt the judge acted improperly, and if any other judge acts improperly, I will speak out against it, too.

Mr. KENNEDY. And these acts of violence again, even though they cannot be traced to the union, took place in such large numbers against nonstrikers and have taken place in other strikes that the UAW had; certainly it indicates or appears to establish a pattern at least as far as those strikes are concerned.

Mr. MAZEY. I don't agree with that statement, because what you are doing now is trying to find us guilty by association.

Mr. KENNEDY. I am not trying to. I will just recite the fact for you, that there were over 100 acts where light bulbs filled with paint and thrown into homes of nonstrikers. It is a difficult operation to make a light bulb which is filled with paint and throw it into a home.

The same thing went on down in Perfect Circle. I just say that it needs some explanation, and although we are unable to find those who are guilty, it does seem to show something as far as the union is concerned.

Mr. MAZEY. I think that your conclusions are completely wrong, and you could wind up with the conclusion that the Kohler Co. did this and tried to smear the union. They may have smeared these houses in order to smear the union and I have no way of knowing that.

Mr. KENNEDY. What about in Perfect Circle? Did the Perfect Circle Co. have the same idea?

Mr. MAZEY. I don't know anything about any paint bombings at Perfect Circle. I do know something about the Perfect Circle situation, and I suppose I will be back here talking about it. I happened to settle that strike.

Senator ERVIN. As one who used to long for a judges' union, and who has had occasions to see a lot of assault cases tried, I cannot forebear expressing this opinion, that the assault which Vinson committed was one of the most inexcusable assaults I have ever heard of. Also I would say that I don't know any responsible judge that would have given him a lighter sentence than he received.

Here was a man that told his wife, and he said, "Let us get out or leave," and here is a man about twice his size who jumps on him and beats him unmercifully, wholly without provocation. And I think that the judge you might say was like Lawrence of India when they accused him of embezzling or taking bribes, and he said, "When I think of the opportunities that I had to take bribes, I am astounded at my own moderation."

I think the judge might have been astounded at his own moderation.

Now, let us get one thing and leave out the shadow-boxing. The object of mass picketing is to present such a show of force to those who are not on strike that will deter them from attempting to enter a plant; isn't that right? Isn't that the primary object of mob picketing or mass picketing?

Mr. MAZEY. I think it is to try to persuade people not to go to work.

Senator ERVIN. Yes, and the first thing, it assembles such a great number of persons who blocked the entrances to the plant, and the object is to persuade a nonstriker who comes up with the idea of going to work that it is a futile effort for him to try to enter the plant. Isn't that the object of mass picketing?

Mr. MAZEY. Well, I have said already, Senator Ervin, that I have admitted the purpose of the numbers out there was, first of all, to show the company that we had a majority, and, secondly, there was a feeling of safety in numbers, because of the murders in 1934, and a third reason was to prevent people from going to work.

Senator ERVIN. And the result of it is that a man, when they come out on strike, who wants to go to work, which, under existing law, he has a right to do, he comes there and he sees such a mass of people, he knows their object is to convince him that it would be impossible for him to carry out his desires to enter the plant, does he not?

Mr. MAZEY. And it is also to convince him of our cause, because people will speak to him and try to tell him, "Look, we are fighting for you as much as for ourselves, and, therefore, you ought to be with us."

Senator ERVIN. And also convince him that he ought to join them because it is impossible for him to work as long as the mass pickets are there; isn't that so?

Mr. MAZEY. That might be one of the reasons, Senator.

Senator ERVIN. I do not want to shadowbox with what I know and am convinced are unrealities. I think the mass picketing is engaged in, I think, for these purposes: To convince management that a substantial or very substantial number of the employees of the employees of the plant are favoring the strike; second, to convince the other workers that a substantial number of employees are in favor of the

strike; and, third, to convince those who are not convinced of the righteousness of the strike that they would be very foolish to attempt to enter the plant.

Mr. MAZEY. Senator Ervin, in most of our strike situations, the companies do not attempt to operate the plants. For example, the last time we had difficulty with General Motors in 1945–46, the company did not attempt to operate any of its plants. Ford and Chrysler do not. The late Chrysler strike was in 1950, 8 years ago. The last Ford strike was in 1949. Most of the companies realize that the sensible thing to do is not to create a situation in which emotions can be raised and problems developed.

In this case, I pleaded with the Kohler Co. I made a speech on the picket line on April 8 or 9 from a sound truck and, incidentally, I was arrested for violating a newly enacted sound-truck ordinance. I pleaded with the company, and Mr. Conger was looking out of the window of the American Club across the street from where I was speaking. I pleaded with the company not to attempt to operate its plant, but to sit down with the union and try to find a way to work this thing out. The reason we had difficulty here is that this company, unlike most companies when a strike takes place, refused to bargain with us.

Senator ERVIN. Isn't this the reason that you had difficulty? In the first place, the union desired to close down the plant, to force the Kohler Co. to resume negotiations. That is one reason. The second reason you had trouble was because the Kohler Co. desired to operate the plant, and the third reason is some of the employees of the Kohler Co. desired to continue working under the existing working conditions. Those three combinations caused the trouble, did they not?

Mr. MAZEY. They had a lot to do with it; yes.

Senator ERVIN. That is all.

Mr. MAZEY. And also the hiring of strikebreakers, I mean people who were job thieves had a lot to do with it, too.

Senator ERVIN. That is all.

The CHAIRMAN. Let me ask you with respect to your statement that people have a right, every worker has a right, to defend his job. Does that apply to the nonstrikers as well as to the strikers?

Mr. MAZEY. Well, as I was saying, Senator, if a person goes on strike, he is trying to protect his——

The CHAIRMAN. I am using your language: Every worker has a right to defend his job. Does that apply to the nonstriker as well as the striker?

Mr. MAZEY. We were trying to defend the jobs of nonstrikers, too.

The CHAIRMAN. If it does apply, then you were guilty of an improper practice when you massed the strikers in front of the entrance to that property so that the nonstrikers could not get in, were you not?

Mr. MAZEY. I think you might reach that conclusion, Mr. Chairman.

The CHAIRMAN. I think it is a sound conclusion, don't you, based on your theory of what is right and wrong?

Mr. MAZEY. I think you have to go beyond that. I think you have to understand the other reasons for it.

The CHAIRMAN. I understand the reason for the strike all the way through. I am accepting your terms for it. The strike was for this purpose and that, to get them better working conditions. But here is a man out here not striking, who says, "I want to go to my job." That is just as much his job as the strikers' jobs are theirs. Is that correct?

Mr. MAZEY. I think that at a point where a majority of the workers——

The CHAIRMAN. There is no question of a majority rule. It is the right of every worker, you said, to defend his job.

Mr. MAZEY. We are also defending——

The CHAIRMAN. You did not say majority.

Mr. MAZEY. We are also defending the jobs of the strikebreakers, of the strikers.

The CHAIRMAN. I am not talking about strikebreakers. I am talking about the man that has the job there, that wants to return to work. Has he not just as much right to go into that plant and work as you have to walk out?

Mr. MAZEY. I don't think he has.

The CHAIRMAN. I think he has. I think in a land of freedom, if a man wants to work, he should have the right to walk into that plant and work.

Mr. MAZEY. I don't think he has.

The CHAIRMAN. I do not think you have a right to put a mass of humanity up there that is calculated to incite him and others to violence if they undertake to return to work.

Mr. MAZEY. Senator McClellan, I would like to explain my position further. In this particular situation, the majority of the workers voted to strike when they were unable to solve their problems at the bargaining table. I think that at the point that the majority made this decision, that the decision of the majority was incumbent on the minority as well as the majority.

It is the same as when Congress declared war. This became the policy of the whole country. The minority did not have a right to say that "even though Congress declared war, we did not have a thing to do with it." This became a decision of the whole country.

The CHAIRMAN. We are not talking about war. We are talking about the right of an individual to make a decision to follow a livelihood for himself or his family.

Mr. MAZEY. There is a great deal of similarity, Senator McClellan.

The CHAIRMAN. I do not think so. I think a man who has a job, who wants to go to work, should have the right. I think you should have the right to strike and you should have a right to put those pickets out there. You can put them out en masse if you want to, but you do not have any right to mass them in front of that gate where a man who wants to work cannot get in. That is my——

Mr. MAZEY. You have a right to your opinion and I have a right to my opinion.

The CHAIRMAN. Wouldn't you like to see a law about that?

Mr. MAZEY. What is that?

The CHAIRMAN. We are thinking about legislation. Wouldn't you like to see a law like that, to protect the man who wants to go in as well as the man who wants to come out?

Mr. MAZEY. I would like to see a law that prevents a company from hiring strikebreakers.

The CHAIRMAN. Do we propose to make companies a slave to some labor leader? Is that what you mean?

Mr. MAZEY. Not a slave to a labor leader.

The CHAIRMAN. Subservient to them, that they have to do what they want them to do?

Mr. MAZEY. What I am saying is following the premise you have, if a striker and nonstriker have a right to make a decision as to whether or not they work during a strike—perhaps I would not be opposed to that kind of business, if we had a law that said that once a strike took place, that the only people that could work would be the people on the payroll of the company when the strike started.

But I think we ought to have a law that says that the company does not have a right to hire job thieves or strikebreakers to replace the strikers. If we could have that kind of law, we would not have this problem.

The CHAIRMAN. I think sometimes there are strikes where demands are made that are so unreasonable that a businessman has no alternative. I think you can go to extremes both ways.

Mr. MAZEY. Senator McClellan, in this particular situation, we feel so sure of our position that we have agreed to arbitrate it, and I believe it was in November of 1954, in the meeting, that I said to the Kohler Co. as a spokesman for the union that, "We are willing to settle our contract and economic matters involved within the framework of the contract and the wages paid by your competitors."

I then proposed to the company, I said, "We are willing to arbitrate within the framework of the contract and the provisions of your competitors." I happen to know enough about collective bargaining to know that if you insist on demands from a company that puts them at a disadvantage with their competitors, you are not helping the workers you are bargaining for.

We have not made those kinds of demands here.

The CHAIRMAN. I am not defending this company for not settling a strike or for not agreeing to anything like that. I am not trying to settle a strike. I do not think it is the function of this committee to do it.

However, I am trying to find out what constitutes improper practices that should be regulated or prohibited by law. That is the only point I have.

Mr. MAZEY. I understand your position.

The CHAIRMAN. There is one other point I want to call to your attention. I did not want to repeat it, but I did want my position to be clear as we go along. To me you are not convincing when you say you are against violence, you did not believe in violence, and you were unhappy about its happening, when you take dues-paying members' money and reward the man who committed the violence without any provocation on earth. I just do not see the difference when you reward that and say that you condemn it.

Mr. MAZEY. Senator McClellan, you might quarrel with my judgment in this matter, but I acted in what I thought was a proper manner. I felt that Bill Vinson who had the book thrown at him, I thought he was treated differently than the other people were treated. I thought the judge was biased. I thought he was a victim of Kohlerism.

I was not condoning his actions at all. The reason that his wife was given money while he was in jail was because I though he had a raw deal.

The CHAIRMAN. Let us carry that a little further. You paid all of the fines of the others, not just him alone. All of them were getting an unfair deal, if they were fined for disorderly conduct or anything. In other words, you do not want to be amenable to the law.

Mr. MAZEY. That is not the question at all. At the point a strike takes place, emotions are high and people do things that nobody likes.

The CHAIRMAN. That is right.

Mr. MAZEY. If the strike had not taken place in the first place, everything that happened afterwards would not have taken place.

The CHAIRMAN. So you were on strike and you felt responsible for all of this and, therefore, you paid it out of union funds.

Mr. MAZEY. Therefore, the people, in my judgment were victims of a strike and the company was responsible for the strike.

The CHAIRMAN. You say the company was responsible, but you took the responsibility for all acts of violence wherever they were caught and punished, is that correct?

Mr. MAZEY. I wouldn't say "acts of violence."

The CHAIRMAN. Well, for violations of law. We will put it that way.

Mr. MAZEY. That is better.

The CHAIRMAN. If you want to equivocate on that——

Mr. MAZEY. That is a better statement.

The CHAIRMAN. You took the responsibility and paid the penalty paid for the offense?

Mr. MAZEY. Yes, I did.

The CHAIRMAN. Do you think that is conducive of encouraging violence? You issue many statements and bulletins that you do not want any violence, but the minute some of it occurs, then you champion and defend the one who committed the violence, event to the extent of defending him in court, paying all of the expenses, and, where they go to prison, paying their salaries while in prison.

Mr. MAZEY. That was not the purpose of it at all.

The CHAIRMAN. No, but don't you see the point I am making? In one breath you say, "Don't commit violence," and in the next breath you reward the fellow who did commit violence.

Mr. MAZEY. I understand your position perfectly, but the point I am making is that if the company had bargained in good faith in the first place, this strike would not have taken place. Emotions would not have been high. These things would not have happened.

I think they are victims of a fight. You have casualties in all kinds of fights.

The CHAIRMAN. You might as well just turn around and argue from the other side. That does not settle anything, that you did wrong or the company did wrong. The question is, when you say you are against violence, then you reward it, and it becomes inconsistent.

Mr. MAZEY. I do not think I was rewarding violence, Senator. That was not my intent.

The CHAIRMAN. If that is not rewarding, when you pay fines for offenses and so forth, I do not know what rewarding is.

Senator Mundt?

Senator MUNDT. Do you know Mr. Paul Sifton?

Mr. MAZEY. Yes, I do.

Senator MUNDT. Did he have a position with the UAW?

Mr. MAZEY. He is the Washington legislative representative.

Senator MUNDT. How long has he been with the UAW?

Mr. MAZEY. I don't know exactly. I imagine 8 or 9 or 10 years.

Senator MUNDT. Did you have anything to do with hiring him?

Mr. MAZEY. I believe he was hired by Walter Reuther. I believe I was consulted on the matter. I am very glad to have him on our staff. He is a very competent legislative representative.

Senator MUNDT. Does he speak officially for the UAW?

Mr. MAZEY. On many occasions; yes.

Senator MUNDT. Do you associate yourself with his comments, remarks and statements?

Mr. MAZEY. I do not associate myself with the comments and remarks 100 percent with anybody.

Senator MUNDT. Let me read you one of his remarks that he made before he was with you. Was he with you in 1933?

Mr. MAZEY. I don't know of any remarks he made. When was that?

Senator MUNDT. I asked you whether he was with the UAW in 1933.

Mr. MAZEY. No, he was not.

Senator MUNDT. So this would not be one of the remarks——

Mr. MAZEY. The UAW was not born until 1935.

Senator MUNDT. He was not born until 1935?

Mr. MAZEY. Our union was born in August of 1935, August 26th.

Senator MUNDT. I thought you said he was not.

Mr. MAZEY. No.

Senator MUNDT. All right. But I want to read you a remark that he made in 1933 in a printed statement, which I suppose would be one of the criteria by which you employed him, on the points of view that he expresses, one of the things that you would naturally want to consider before you engaged him as—what? National legislative representative?

Mr. MAZEY. He is one of our national legislative representatives, yes.

Senaor MUNDT. The top man or little man or a big man in that field?

Mr. MAZEY. He is pretty high up.

Senator MUNDT. Pretty high up? So, naturally, before you hire him, you want to see where he stands, what his positions are, and what his attitudes are, is that right? You do not want to hire him willy-nilly. He might be a scab or a Republican.

Mr. MAZEY. Senator Mundt, we do not conduct an inquisition on a person when we hire him. We do not go back in his background as far as 1933. I think you are digging pretty deep.

Senator MUNDT. You do not make a check on him?

Mr. MAZEY. We do not make a check on him. We know his general attitudes.

Senator MUNDT. I want to read what he said and see if it is something that expresses UAW policy. I am not concerned about him. But I am concerned about UAW policy. I am quoting now from a statement inserted in the Congressional Record by Senator Martin, of Iowa, on page A–5317, if you want to look up the whole context, and if you want to look up the other statements about Mr. Sifton. I

am going to limit myself today to this one statement. This is an article he wrote.

The general tenor of the article is to discourage people from joining the United States Army. I will read a little preliminarily to get to the right context. It says in the article:

> Uncle Sam wants you. Hey, there, Big Boy, Uncle Sam wants you for the next war. He wants you to take $30 a month less payments for bonds and thrift stamps and so on for doing this: Saying "Yes, sir," to bright boys in officers' pink pants; packing 60 pounds of clothes, shoes, hardware and food on your back through mud, ice, dust, and heat; digging trenches in the ground like a half-witted woodchuck, while your family back home scratches around for food and fuel; shooting holes in men like yourself across the line; getting wounded yourself, in the leg, or arm or chest or guts; getting gassed so that your skin curls up like bacon on a fire and you cough up your lungs; dying all at once or by inches or maybe living to stand in breadlines, after it's over.

I think that is pretty bad, but I am not going to go into that.

He is certainly not a very good recruiting officer for Uncle Sam's Army. But this is a statement that he made. You hired him after he had demonstrated this to be his attitude. I wonder whether in consequence of your having employed him, this now expresses the attitude of Emil Mazey or of Walter Reuther or of the UAW or all. This is the statement:

> Tell them that we've got another war on, closer home, a war to establish a workers' peace, a workers' government.

Was Mr. Sifton employed for the purpose of helping you establish a workers' government? Is that his job as legislative counsel?

Mr. MAZEY. Why don't you finish your remarks and I will comment on them.

Senator MUNDT. I am finished.

Mr. MAZEY. Senator Mundt, I think you are digging pretty, pretty deep, going back 25 years in an article that Paul Sifton wrote. I don't agree with the article. I don't think he agrees with the article today. I am sure you have said some things and written some things during your lifetime that you don't agree with today. There is an old saying that a wise man changes his mind but a damn fool never does. Paul Sifton is a wise man. He has changed his mind on a lot of things that he may have believed in at one time.

The CHAIRMAN. The Chair will remind you, sir, that you are on the air. If you want the language to go out, you take the responsibility for it. I can't erase it now.

Mr. MAZEY. That is O. K. I am willing to let it go out on the air. I am not responsible for the cameras looking at me here.

Senator MUNDT. I am not talking about Mr. Sifton. I am asking whether that reflects the attitude of Emil Mazey or of Walter Reuther or of the UAW, because you hired him after he made it. I want to find out is that an attitude with which you find yourself today in conformity?

Mr. MAZEY. Well, Senator Mundt, you are pretty desperate to try to find ways to smear our union. Obviously is doesn't represent our views.

Senator MUNDT. I am giving you a chance to say no, if you want to. You haven't done it.

Mr. MAZEY. The answer is no. But it seems to me that when you dig back 25 years into something that somebody wrote or said, that is a pretty desperate way to smear our union.

I don't appreciate it at all, sir.

Senator MUNDT. I am simply asking you if that——

Mr. MAZEY. Did you say anything 25 years ago that you don't believe in today?

Senator MUNDT. I didn't say anything like that 55 years ago.

Mr. MAZEY. Senator Mundt, what did you say about the Korean war?

Senator MUNDT. If you want to get into quite a long topic I will be happy—I gave a lot of speeches about that.

Mr. MAZEY. You said things about the Korean war that are not policy of our country.

Senator MUNDT. If the Chair would like to ask me questions about my statements on the Korean war, now that we have television on, that would be wonderful.

Mr. MAZEY. That is not pertinent. What has this to do about the pertinency of the strike?

Senator MUNDT. It is whether it reflects your attitude. If you want to say no——

Mr. MAZEY. I think you are on a fishing expedition, Senator. You are on a fishing expedition. You are trying to find something completely out of context, something that has nothing to do with the Kohler strike, as a means of smearing us. I don't appreciate this.

Senator MUNDT. If you would like to make the whole thing in the record, you make that request and in she goes.

Mr. MAZEY. This has nothing to do with the Kohler strike. When you go back 25 years and try to smear a member of our union, one of our staff members, it is pretty low.

Senator MUNDT. I am not trying to smear anybody. This is his statement.

Mr. MAZEY. You just did smear him.

Senator MUNDT. It is his statement, not mine.

Mr. MAZEY. Something that he said 25 years ago.

The CHAIRMAN. It is not a smear to read what somebody said. That is not a smear. This fellow smears himself, if he quoted him accurately. The only point that I can see in the testimony is that if that is the sentiment, the viewpoint, of the UAW, it might indicate that there was some subversiveness in the organization. I don't know whether that is the purpose of it or not, or whether it intended to go that far.

Senator MUNDT. The question speaks for itself. I simply said that they hired him after he made the statement, and I wanted to know whether as a consequence of that this statement reflected the attitude of Mr. Mazey, Mr. Reuther, or the UAW.

The CHAIRMAN. The witness has said that it does not reflect his attitude. he doesn't believe in what the statement said, and he doesn't believe that the man who made it believes it now.

Mr. MAZEY. Senator Mundt, I am told that Mr. Sifton appeared before a committee of either the Senate or House, and he has made an explanation of that particular article. I would be very glad to get his explanation so that you and I can be satisfied as to what he did say. I think the record ought to show that during the last war over 350,000 members of our union participated in the armed service.

We won a lot of E awards for our defense efforts of building guns, tanks, and planes. Walter Reuther served on many committees, the

War Production Board, and various other groups. I don't think anybody ought to challenge our loyalty.

Senator MUNDT. Nobody is challenging your loyalty.

Mr. MAZEY. I think you are, by referring to the article of Sifton.

Senator MUNDT. I ask the permission of the committee, since we have been referring to the statement that Mr. Sifton made, that it be included as an exhibit.

Mr. MAZEY. I think Mr. Sifton has a right to defend himself.

Senator MUNDT. I understand that you have a statement by him from a congressional committee that you want to be made an exhibit?

Mr. MAZEY. I will get the statement.

Senator MUNDT. I will ask your unanimous consent that it be made an exhibit.

The CHAIRMAN. The Chair will take a look at it when it comes.

We do have a rule, and if Mr. Sifton feels as though he has been called some derogatory statement in evidence that has been going in about him today, he can make a request to come before the committee to be heard.

Senator MUNDT. Mr. Mazey, you have been here a long time, and I hope this is the last session that you may have to appear before the committee, on the instant question. You may have to come back when we get into a study of UAW activities beyond Kohler, such as the Perfect Circle.

Mr. MAZEY. On the Perfect Circle, I would like to have an opportunity to come back, because I participated in several meetings that led to a settlement of the strike, and I played quite an important role in settling that strike.

Senator MUNDT. I am sure if you have something to say on the Perfect Circle strike, the committee will be glad to hear you. I want to recapitulate the six points of testimony that stand out in my mind as coming from you in this period. Iwill read them one by one and if you find any of them inaccurate, you stop me and we will hear your statement. I am impressed by your testimony, as the first point that sticks in my mind, that you believe that the type of boycotts in which you have been engaged against Kohler products are defensible and that they are justifiable in your opinion, even though they have included some boycotting of hospitals and the boycotting of at least one community chest drive in Duluth, Minn. If I understand your testimony correctly, you say that you defend and support that and believe it was justified under the circumstances.

Mr. MAZEY. That is not my statement, Senator. I said that we were carrying on a legal boycott. I did not admit that we had boycotted a hospital. I made no such admission.

Senator MUNDT. You admitted that your union had boycotted Duluth, Minn.——

Mr. MAZEY. I did not admit that.

Senator MUNDT. I took it up with you. The local union had boycotted that, and I asked you if that was defensible. You said it wasn't an international, it was the local.

Mr. MAZEY. I did not say one of our locals was involved.

Senator MUNDT. If you want to condemn it, condemn it now, and we will change the records. Do you condemn it?

Mr. MAZEY. Let me get the record straight. You have made a statement that I do not agree with. I believe the record will show

that you read that the Duluth CIO council was involved in this matter, not our local.

Senator MUNDT. Correct.

Mr. MAZEY. I did not say that our local was involved in picketing a hospital. The statement I did make was that I believe the members of our union when they make contributions to community agencies have a right to know how their money is spent.

Good union money ought to be spent for good union products, and not for scab-made products, strikebreaker products. I will stand on that.

Senator MUNDT. So that the record will be crystal clear, Mr. Mazey, do you want to take this opportunity to condemn the attitude of the union in boycotting the community chest in Duluth, Minn., because it did by Kohler——

Mr. MAZEY. Our union did not boycott it. Let's get the record straight there. I think that the people in Duluth had a right to express themselves on this question, and if they expressed themselves on the matter of a picket line, I will support their expression.

Senator MUNDT. That brings me right back. You don't want to condemn it.

Mr. MAZEY. No; I am not condemning it.

Senator MUNDT. All right.

No. 2. You made statements to the effect that the clergy of Sheboygan County are not men of integrity, which you later modified, I believe, by saying that you meant to say that they were men who were under the domination of the Kohler Co., so that their social and economic judgments were not to be trusted, although you did not presume to criticize them for their spiritual activities.

Is that a fair statement?

Mr. MAZEY. Senator Mundt, you and Senator Goldwater and Senator Curtis sort of have me in a position where you put the word "integrity" in my mouth and I didn't put it there. That was some questioning to the effect, "Then you are challenging their integrity" and I think I said something to the effect, that "What other conclusions could I reach?"

But the word integrity wasn't my word in the first place. It was either your word or the word of Senator Curtis.

Senator MUNDT. I didn't have anything to do with that word.

Mr. MAZEY. I think it was Senator Curtis who raised the question.

I made my position clear. I am not challenging the clergy. I am sorry you fellows maneuvered me into the matter where it looked like I was questioning their integrity. I issued a statement the other day and I would like to read it.

In replying to questions put to me today by members of the Senate select committee, concerning resolutions adopted by the clergy in Sheboygan, Wis., in which I was criticized for my questioning of the harsh treatment given to a UAW member by Judge Schlichting, of Sheboygan, I inadvertently said that I questioned the integrity of some of the clergy who signed their names to the resolutions adopted against me.

I later told the committee that I had unfortunately erred in the choice of words in reply to the extremely hostile questioning.

I have not and I do not challenge the integrity of the Sheboygan clergy, and if this inference was left, I apologize.

These hearings have, as everyone who has followed them knows full well, been conducted in a state of open hostility, one side to the other. It has been an unfortunate fact, in addition, that in my view at least, certain members of this committee are intent on discrediting our union and its representatives who have

appeared here. These attempts to so discredit UAW members and representatives, frequently by devious and unjust means, have appalled all of us who are interested in justice and fairness.

I regret that my statements about certain members of the Sheboygan clergy, while not deliberate and considered and not accurately reflective of my true position or the position of the UAW, have contributed in any way to the public furor which has been occasioned by the aforementioned attitudes and statements of certain members of this Senate committee.

I have made my apologies. I think I was maneuvered into this particular statement, and I think my statement stands.

Senator MUNDT. This is the cleanup session, and we are giving you a chance to make your position clear.

You say "it is my opinion," and this is something that you were not maneuvering into, and nothing about integrity.

It is my opinion that the company influences all of the clergy who signed their names to this particular statement.

Is that your opinion or is it not?

Mr. MAZEY. It was my opinion, yes.

Senator MUNDT. Is it now your opinion? I am talking about integrity, now.

Mr. MAZEY. Senator Mundt, my statement speaks for itself, and I am going to rest there.

Senator MUNDT. I am not going to let it rest. This is a chance to clear it up under oath.

It is my opinion that the company influences all of the clergy who signed their names to this particular statement.

Mr. MAZEY. Senator Mundt, I have expressed myself as to what my position is. I said if I had in any way challenged their integrity, I apologize, and I would like to leave it stand there.

Senator MUNDT. This is a different point altogether.

Mr. MAZEY. I think you are raising an unnecessary issue.

I don't know what this has to do with the purposes of this hearing.

Senator MUNDT. You can't raise issues, Mr. Mazey, you can't raise issues, make statements under oath and then walk away and give a press conference and say, "Don't ask me any more questions."

Mr. MAZEY. I didn't raise this issue at all. I made a speech on November 17, in which I replied to a criticism that the clergy of Sheboygan had made against me. I didn't start this thing. They adopted resolutions. Somebody organized the adoption of these resolutions. I have never seen a single resolution adopted anywhere that just spontaneously appeared. Somebody went around and very deliberately adopted resolutions criticizing my criticism of Judge Schlichting.

They have a right to do that. I am not criticizing their right, but their judgment in this matter. When I spoke at the meeting on November 17, 1954, I was replying to an attack made on me. I didn't make the attack on the clergy. I was replying to an attack made on me. During that speech, I criticized the clergy for not having done anything, not speaking out against the injustices of the plants of the Kohler Co., not speaking out against the Kohler Co. when we agreed to arbitration by Governor Kohler and they turned it down.

The speech I made was very, very clear. But what happened at the hearing? Senator Curtis began to read these resolutions adopted by the clergy, and then he began to raise questions. He put the word

"integrity" in my mouth. I didn't raise that word. That was his word. I think it was a pretty devious means of doing it. I have apologized if there was any improper inference here. I don't know what more of me you want on this question.

Senator MUNDT. Let me read what happened. You are talking about integrity, and I am not challenging that part of your statement. On page 1396, Senator Curtis, a question, about these names, and Curtis says, "Yes. Read them all one by one and tell me whether or not the company controls them," the men who signed it.

Mr. MAZEY. We have one more to go. William Weishaupel, the pastor of the St. Dominic Parish.

Senator CURTIS. Does the company control him?

Mr. MAZEY. I don't know.

Senator CURTIS. Is it your opinion that they do?

Mr. MAZEY. It is my opinion that the company influences all of the clergy who signed their names to this particular statement.

You pulled that one out yourself and volunteered it. Now before we close shop, I want you to tell me yes or no, is it presently your opinion that the Kohler Co. influences all of the clergy in Sheboygan County. You can answer that simply yes or no——

Mr. MAZEY. Senator Mundt, I stand on the statement I made. I see nothing to be gained in rehashing an incident that took place 4 years ago. I am not seeking a quarrel with the clergy in Sheboygan. I don't think we ought to throw this thing wide open again, create greater splits in the community. I don't think this contributes anything toward establishing a proper kind of atmosphere in Sheboygan.

(At this point, the following members were present: Senators McClellan, Ervin, Mundt, and Goldwater.)

Senator MUNDT. Judging from the mail I received since that testimony, it contributes a great deal.

I am asking you specifically now, under oath, and you don't issue press conferences under oath, or press statements under oath——

Mr. MAZEY. I made my statement under oath.

Senator MUNDT. I want to give you a change to affirm it or deny it, and if you continue just to duck it, I submit that my summation as originally read is pretty accurate.

Mr. MAZEY. It is my opinion that the company influenced all of the clergy who signed their name to this particular statement.

Is that your opinion now; yes or no?

Mr. MAZEY. To get it over with, it is something that I can't prove, and it is not my opinion now.

Senator MUNDT. Thank you.

No. 3, I think that I can summarize your statement that the judge in your case, presided over by Judge Schlichting, you feel that the judge was unfair and biased, even though the State supreme court upheld the verdict and even though it was a jury and not the judge who decided on the greater rather than the lesser penalty.

Is that a fair summation?

Mr. MAZEY. Senator Mundt, to begin with, I still think that Judge Schlichting's sentence was unfair, and unjust, and biased, and I think that he had a conflict of interest in this matter, and the jury did not decide the penalty. The judge had to make this decision, and the judge could have suspended sentence and could have placed Vinson on probation because of his good record, and because of his being a war veteran, and never having been arrested before.

And what I said in relation to Judge Schlichting stands. There is nothing that he said that changes this matter.

Senator MUNDT. No. 4: I am impressed that in the course of your testimony you have tried to convince us that it is your position that there can be no neutrals in a labor dispute or a strike situation. People are either for you or against you, which you modified today to say as far as the community in which the strike takes place is concerned; is that right?

Mr. MAZEY. I modified my statement today, and I stand on that.

Senator MUNDT. No. 5: It is your position that mass picketing of the type that was engaged in at Kohler by the union is in your opinion legal and proper, and defensible, even though it physically prevents a nonstriker from entering the plant to earn a living for his family.

Mr. MAZEY. In reply to that question, I said that in this particular instance, I felt the large number of picketing was proper, and each worker had a right to defend his job, and they were out there because the company was challenging our membership and our majority, and they were out there because they felt there was security in numbers when they remember the murder and massacre that took place in 1934. Yes.

Senator MUNDT. So that my summation on that point is accurate?

Mr. MAZEY. Yes.

Senator MUNDT. No. 6: You testified, and I think you are not going to quarrel about this at all, that the UAW spent some $10 million in the course of this strike, including payments which were made for fees and legal counsel and salaries for the people who were convicted?

Mr. MAZEY. Yes; and the answer is "yes" on that question.

Senator MUNDT. Those, in my opinion, are the six points which you brought out insofar as the premise of this committee is concerned, to try to find out what improper practices, if any, were engaged in during the course of the strike.

Mr. MAZEY. Could I add a couple of other points that I brought out that you haven't mentioned?

Senator MUNDT. As far as I am concerned.

Mr. MAZEY. I brought out the point that the Kohler Co., refused to bargain with the union, and we operated without a contract for 5 weeks, and we agreed to every mediation and arbitration offer, and the company has turned it down, and I think you ought to add that as point No. 7.

Senator MUNDT. I have no objection, and I have no defense for the company, and I am not any more interested in the company than the UAW.

We use Crane products, so I am not concerned. Crane is a good product made by members of United Steel Workers of America, which is a perfectly good union.

The CHAIRMAN. The committee stands in recess until 10:30 in the morning.

Mr. KENNEDY. Is he dismissed?

The CHAIRMAN. Yes, and we will convene in the morning in room 318.

(Whereupon at 4:55 p. m., the committee recessed to reconvene at 10:30 a. m., Tuesday, March 11, 1958.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

TUESDAY, MARCH 11, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10:30 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator John F. Kennedy, Democrat, Massachusetts; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Pat McNamara, Democrat, Michigan; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John J. McGovern, assistant counsel; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were: Senators McClellan and Mundt.)

The CHAIRMAN. The committee will be in order.

Call your first witness.

Mr. KENNEDY. William Bersch, Jr.

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BERSCH. I do.

TESTIMONY OF WILLIAM BERSCH, JR.

Th CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. BERSCH. My name is William Bersch, Jr. I live at 1227 North 38th Street, Sheboygan, Wis. I am employed at the Kohler Co. as a pottery caster.

The CHAIRMAN. Do you have an attorney or do you waive the right of counsel while you testify?

Mr. BERSCH. Yes.

The CHAIRMAN. You waive counsel?

Mr. BERSCH. Yes.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Bersch, you are an employee of the Kohler Co.?
Mr. BERSCH. Yes.
Mr. KENNEDY. And you have worked there for how long?
Mr. BERSCH. Ten and a half years as of now.
Mr. KENNEDY. So as of 1954, the time of the strike, you had worked there for 5 or 6 years?
Mr. BERSCH. Yes.
Mr. KENNEDY. Did you join the UAW?
Mr. BERSCH. Yes; I did.
Mr. KENNEDY. Did you support them when they went out on strike?
Mr. BERSCH. No; I didn't.
Mr. KENNEDY. So you didn't join in the mass picketing?
Mr. BERSCH. No; I didn't.
Mr. KENNEDY. You didn't go to work in the period of the mass picketing or attempt to go to work?
Mr. BERSCH. No; I didn't.
Mr. KENNEDY. After the mass picketing ended, did you go back to your job?
Mr. BERSCH. I went back, I think it was, 11 weeks from the date that the strike started.
Mr. KENNEDY. Some time in June?
Mr. BERSCH. Yes; the 28th of June.
Mr. KENNEDY. The 28th of June.
Mr. BERSCH. Yes.
Mr. KENNEDY. What job did you have at the Kohler Co.
Mr. BERSCH. Pottery caster.
Mr. KENNEDY. In the casting department?
Mr. BERSCH. Yes.
Mr. KENNEDY. Did you also have another job in addition to that?
Mr. BERSCH. Yes; I did. That was at the Behlow & Meier Shell Station.
Mr. KENNEDY. What was that?
Mr. BERSCH. The Behlow & Meier Shell Station.
(At this point, Senators Goldwater and Curtis entered the hearing room.)
Mr. KENNEDY. B-e-h-l-o-w & M-e-i-e-r Shell Station, is that right?
Mr. BERSCH. Yes.
Mr. KENNEDY. And that is at 300 FonduLac Avenue, Sheboygan Falls?
Mr. BERSCH. Yes.
Mr. KENNEDY. You were there attending the pumps; is that right?
Mr. BERSCH. Yes; I was.
Mr. KENNEDY. That was one of your jobs?
Mr. BERSCH. Yes.
Mr. KENNEDY. Were you there on July 4, 1954?
Mr. BERSCH. Yes. I worked that afternoon and evening.
Mr. KENNEDY. That was on Sunday; is that right?
Mr. BERSCH. That was on a Sunday; yes.
Mr. KENNEDY. Was your father also working there?
Mr. BERSCH. No; he wasn't.
Mr. KENNEDY. Was he there on July 4, in the evening?
Mr. BERSCH. Yes; he was.
Mr. KENNEDY. Could you tell us what happened at approximately 9:30 or 9:25 on the evening of July 4?

Mr. BERSCH. I was working there, and my father was there. He came over. He just lived across the street. He came over to see what I was doing. The next day we were going to go fishing.

The CHAIRMAN. Would you speak a little louder and speak into that mike? I am having a little difficulty hearing you.

Mr. KENNEDY. Your father came over and you had a discussion about going fishing; is that right?

Mr. BERSCH. Yes; he did.

Mr. KENNEDY. At that time, did an automobile draw up?

Mr. BERSCH. Yes; a 1953 Buick pulled up in back of the wash rack of the station, while I was working at the pumps.

Mr. KENNEDY. A 1953 Buick came up while you were working at the pumps?

Mr. BERSCH. Yes.

Mr. KENNEDY. What happened then?

Mr. BERSCH. Well, when I got finished at the pumps, I went over to see what he wanted, and it was a fellow by the name of Nick.

Mr. KENNEDY. Nick Vrckovic; is that right?

Mr. BERSCH. I think it is.

Mr. KENNEDY. And you had known him before?

Mr. BERSCH. I had known him approximately 5 or 6 years ago.

Mr. KENNEDY. He had worked at the Kohler Co.?

Mr. BERSCH. Yes; he did.

Mr. KENNEDY. He was presently out on strike; is that right?

Mr. BERSCH. Yes.

Mr. KENNEDY. He was a member of the UAW and supported the strike?

Mr. BERSCH. Yes.

Mr. KENNEDY. What words did you have with him at that time?

Mr. BERSCH. I went over to find out what he wanted, and I told him I just didn't have time. It was 9:30 in the evening already and I couldn't get to it. After that, then he said "Well, I heard you are scabbing at the Kohler."

I said, "I didn't call it scabbing. I am making a living for my family."

Well, then he went back to having his brakes checked, and I said I couldn't do it. He got pretty rough, so I just turned around and walked away and I went back into the office of the station. I picked up the telephone——

Mr. KENNEDY. Who were you going to call on the telephone?

Mr. BERSCH. I was going to call the sheriff's department.

Mr. KENNEDY. The sheriff's department?

Mr. BERSCH. Yes.

Mr. KENNEDY. And the words between yourself and Vrckovic had been such that you felt it necessary?

Mr. BERSCH. Yes. He got pretty—I wouldn't know the words to use, but farther than an ordinary customer does.

Mr. KENNEDY. So you went back into the station to make this telephone call to the sheriff's office?

Mr. BERSCH. Yes; I did.

Mr. KENNEDY. How many people were in the car?

Mr. BERSCH. There was three people in the car.

Mr. KENNEDY. And Vrckovic was driving the automobile?

Mr. BERSCH. Vrckovic was driving.

Mr. KENNEDY. Did you recognize either of the other two?

Mr. BERSCH. No; I didn't.

Mr. KENNEDY. You went back in and picked up the telephone to make a call?

Mr. BERSCH. As I picked up the telephone, a fellow came in on the left side of me and put his hand between the telephone and receiver and broke the wire right off the receiver, and at the same time he hit me on the left side of my face and knocked me across the floor about 5 or 6 feet against a steel safe that was in the corner.

Mr. KENNEDY. This was not Vrckovic?

Mr. BERSCH. This was not Vrckovic.

Mr. KENNEDY. It was 1 of the other 2 men?

Mr. BERSCH. Yes.

Mr. KENNEDY. Go ahead.

Mr. BERSCH. I was down and he trampled on me a little bit, and at the same time my father seen that and he came in the office, and then they jumped him.

Mr. KENNEDY. Had he gotten a small children's baseball bat out of the automobile?

Mr. BERSCH. Yes; it was a baseball bat in one of the cars that were in the station. He picked that up. It was a small child's——

Mr. KENNEDY. He came in when he saw this man attacking you, and he came in there to help you?

Mr. BERSCH. He came in there; yes.

Mr. KENNEDY. How old was your father at that time?

Mr. BERSCH. At that time he was 65.

Mr. KENNEDY. He came into the station to try to assist you. What happened then?

Mr. BERSCH. Then they jumped on him and beat him up while I was down. I don't know what they hit him with. He got hit in the head and broke a vertebra.

Mr. KENNEDY. Were you conscious or unconscious during this time?

Mr. BERSCH. Well, I just remember coming to. I must have been unconscious for a short time.

Mr. KENNEDY. Was your father knocked unconscious?

Mr. BERSCH. No; I don't believe he was.

Mr. KENNEDY. After knocking him down, did they then leave?

Mr. BERSCH. They left; yes.

Mr. KENNEDY. They jumped back in the car?

Mr. BERSCH. Yes.

Mr. KENNEDY. Do you know whether there was 1 or 2 men that attacked your father?

Mr. BERSCH. I don't know. I was down at that time, and when I got up, they were gone already.

Mr. KENNEDY. And you don't know if Vrckovic was one of those?

Mr. BERSCH. No; I don't.

Mr. KENNEDY. You don't know what happened as far as your father was concerned or who hit him?

Mr. BERSCH. No; I don't.

Mr. KENNEDY. All you know is he was knocked down?

Mr. BERSCH. He was knocked down.

Mr. KENNEDY. And it was found later that he had broken a vertebra?

Mr. BERSCH. Yes.

Mr. KENNEDY. Where was the vertebra broken; do you know?

Mr. BERSCH. No; I don't. If I remember correctly, I think it was the sixth or seventh vertebra.

Mr. KENNEDY. And the car drove away. Were you able to identify either of the other two men?

Mr. BERSCH. Yes; I got a good look at the man on the outside, the right-hand side of the car, as I was waiting on customers, when they were waiting.

Mr. KENNEDY. And were you shown some pictures?

Mr. BERSCH. Yes; I was shown some pictures.

Mr. KENNEDY. Who showed you the pictures?

Mr. BERSCH. Gerry Desmond, from the Kohler Co.

Mr. KENNEDY. Were you able to pick out from those pictures the man who was sitting on the outside of the automobile?

Mr. BERSCH. Yes; I was.

Mr. KENNEDY. Who did you identify him as?

Mr. BERSCH. John Gunaca.

Mr. KENNEDY. John Gunaca?

Mr. BERSCH. Yes.

Mr. KENNEDY. Were you told or did you learn subsequently who John Gunaca was?

Mr. BERSCH. Yes. He was somebody—he worked for the union from Michigan.

Mr. KENNEDY. From local 212 of the UAW?

Mr. BERSCH. I think that is what it was; yes.

Mr. KENNEDY. Which one was he of those that participated in the brawl, or beating, which one was he? Is he the one that hit you?

Mr. BERSCH. He is the one that hit me; yes.

Mr. KENNEDY. He is the one that came in and broke the telephone wire and struck you; is that right?

Mr. BERSCH. Yes.

Mr. KENNEDY. And then trampled on you?

Mr. BERSCH. Yes.

Mr. KENNEDY. Were you able to identify at all who hit your father?

Mr. BERSCH. No; I hadn't seen father being hit at the time at all.

Mr. KENNEDY. So you do know who hit your father?

Mr. BERSCH. No; I don't.

Mr. KENNEDY. Did you break anything? Was anything broken in your face?

Mr. BERSCH. My wrist watch was broken and my glasses were beyond repair. They were completely smashed.

Mr. KENNEDY. Did you have to go to the hospital at all?

Mr. BERSCH. Well, I had to have some X-rays taken of my face.

Mr. KENNEDY. What about your father? They broke his vertebra, but did he have to go to the hospital?

Mr. BERSCH. Yes.

Mr. KENNEDY. When did he go to the hopsital?

Mr. BERSCH. He went that same night.

Mr. KENNEDY. How long did he remain in the hospital?

Mr. BERSCH. I think it was 18 days the first time.

Mr. KENNEDY. And that was due to the beating that he had taken, is that right?

Mr. BERSCH. Yes; it was.

Mr. KENNEDY. After he got out of the hospital, did he have to return to the hospital?

Mr. BERSCH. He returned 7 times after that.

Mr. KENNEDY. What was that in connection with?

Mr. BERSCH. Well, complications that turned up from his beating, as far as we could figure out.

Mr. KENNEDY. Did he have a number of things wrong with him then?

Mr. BERSCH. Yes. For a while he was pretty good, and then he developed a cough, and they operated on something that was wrong with his lungs. They operated on that. Then he came home and went back after that again. It didn't feel right.

Mr. KENNEDY. Did he have a chest operation subsequently?

Mr. BERSCH. Yes.

Mr. KENNEDY. What was that for, the chest operation?

Mr. BERSCH. Well, I don't know the name of it, what it was for. It was something on the lower part of his lung.

Mr. KENNEDY. But he never completely recovered after this beating on July 4, 1954?

Mr. BERSCH. To my idea, he didn't; no.

Mr. KENNEDY. He was never able to work again?

Mr. BERSCH. He worked 2 weeks from the time that happened until he died.

Mr. KENNEDY. When did he die?

Mr. BERSCH. October 21, 1955, I believe it was.

Mr. KENNEDY. 1955?

Mr. BERSCH. Yes.

Mr. KENNEDY. When had he had the operation on his chest? Was that just before his death?

Mr. BERSCH. I think that was about 7 or 8 months before that.

Mr. KENNEDY. Did you find or learn or know of a connection, or did you learn that his death was attributable to the beating that he had taken on July 4, 1954?

Mr. BERSCH. Well, I always believed it was, and he was always well before that. He worked every day.

Mr. KENNEDY. Did you have any evidence or information that there was a causal connection between the beating and his death in 1955?

Mr. BERSCH. The doctors say it was.

Mr. KENNEDY. The doctors told you there was?

Mr. BERSCH. Yes.

Mr. KENNEDY. What doctors told you there was?

Mr. BERSCH. Well, this doctor that was mentioned here, and Dr. Hanson himself said it.

Mr. KENNEDY. He said there was a connection?

Mr. BERSCH. There was a connection; yes.

Mr. KENNEDY. And you felt that there was a connection between the two?

Mr. BERSCH. Definitely.

Mr. KENNEDY. And you don't know who the third man was?

Mr. BERSCH. No; I don't.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Let me see if I understand you. You were an employee of Kohler prior to the strike, were you?

Mr. BERSCH. Yes.

The CHAIRMAN. When they went out on strike, you didn't join the strikers, but you didn't undertake to work so long as they were mass picketing?

Mr. BERSCH. No; I didn't.

The CHAIRMAN. You didn't try to go through the line?

Mr. BERSCH. No; I didn't.

The CHAIRMAN. You got other employment?

Mr. BERSCH. Well, I had this other employment before this.

The CHAIRMAN. You continued in that other part-time employment that you had?

Mr. BERSCH. Yes.

The CHAIRMAN. You did not go back to Kohler after the mass picketing had been dissolved, until after orders had been given for them to cease and desist it, is that correct?

Mr. BERSCH. Yes.

The CHAIRMAN. Then you went back to your job?

Mr. BERSCH. Then I went back.

The CHAIRMAN. And you were still carrying on this part-time work?

Mr. BERSCH. Yes.

The CHAIRMAN. And you were there working at your place of business when these men came in the car?

Mr. BERSCH. Yes.

The CHAIRMAN. You were attending to your own business, attending to your job?

Mr. BERSCH. That is right.

The CHAIRMAN. When they assaulted you, your father came in to try to help you?

Mr. BERSCH. That is right.

The CHAIRMAN. And they beat him up?

Mr. BERSCH. Yes.

The CHAIRMAN. Had he worked prior to that time pretty regularly?

Mr. BERSCH. Yes; he had.

The CHAIRMAN. He had worked regularly prior to that time?

Mr. BERSCH. Yes.

The CHAIRMAN. After that beating that they administered to him, he was only able to work 2 weeks afterward between that time and his death some 16 or 18 months later?

Mr. BERSCH. That is right.

The CHAIRMAN. Did he suffer very much?

Mr. BERSCH. Yes; he did.

The CHAIRMAN. He suffered continuously?

Mr. BERSCH. Continuously. He never was up and around like he had been prior to that.

The CHAIRMAN. And you can say from your own observation and from what you saw and know about what happened that it was that beating that caused him to remain in a disabled condition from that time on until his death?

Mr. BERSCH. Yes; I would say that.

The CHAIRMAN. At least, that was the starting of it?

Mr. BERSCH. That was the start, yes.

The CHAIRMAN. And complications may have set in?

Mr. BERSCH. Yes.

The CHAIRMAN. And, which caused his death. Had you done anything on earth to provoke these fellows that came up there to give you this beating?

Mr. BERSCH. No; I did not.

The CHAIRMAN. You had said nothing out of the way to them; you had done nothing?

Mr. BERSCH. No; I didn't.

The CHAIRMAN. Except to tell them that you couldn't do a brake job that night?

Mr. BERSCH. Well, I don't think they came in for that in the first place.

The CHAIRMAN. They didn't come for that in the first place?

Mr. BERSCH. That is right.

The CHAIRMAN. But that was their argument with you, that they wanted you to do a brake job that night. How long would it take to do a brake job like that?

Mr. BERSCH. Well, he had power brakes on that car, and if the cylinder was completely empty, it could lead into quite a little time. It has to be bled out, 45 minutes to an hour.

The CHAIRMAN. That was 9:30?

Mr. BERSCH. 9:30.

The CHAIRMAN. And that was when?

Mr. BERSCH. Sunday, the Fourth of July.

The CHAIRMAN. They came in there at 9:30, wanting you to do a brake job?

Mr. BERSCH. That is right.

The CHAIRMAN. And instigated an argument with you about that?

Mr. BERSCH. That is right.

The CHAIRMAN. And when you went away and left them alone, trying to leave them alone, they came in there and assaulted you?

Mr. BERSCH. That is right.

The CHAIRMAN. All right.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Were you the only employee at the filling station that night?

Mr. BERSCH. At that time I was, yes.

Senator CURTIS. And ordinarily it is quite difficult for the sole attendant at a filling station to take on repair jobs and be responsible for the inside of the office as well as the pump; is that correct?

Mr. BERSCH. That is right.

Senator CURTIS. This was on Sunday, July 4?

Mr. BERSCH. Yes.

Senator CURTIS. About what time did this car drive up?

Mr. BERSCH. About, I would say, 20 after 9; 9:30 at the latest.

Senator CURTIS. How do you fix that time?

Mr. BERSCH. Well, I don't know if I happened to see the clock at that time or what it was, but I know it was.

Senator CURTIS. What time would you ordinarily close the filling station?

Mr. BERSCH. 10:30.

Senator CURTIS. 10:30?

Mr. BERSCH. Yes.

Senator CURTIS. And you had been relieved at suppertime, had you, or did you eat your supper there?

Mr. BERSCH. No. We work a complete shift on Sunday and cut it in half, 2 fellows; 1 in the morning and 1 in the afternoon.

Senator CURTIS. And judging upon the time you had worked and your frequent looking at the time and how long it had been dark and so on, all of those things put together was how you fixed the time?

Mr. BERSCH. Yes.

Senator CURTIS. You spoke of the conversation with this man—how do you pronounce it?

Mr. BERSCH. Vrckovic.

Senator CURTIS. Would you describe his manner as a threatening one, when he talked to you?

Mr. BERSCH. It wasn't in the very beginning, but as soon as he started about scabbing, then he got pretty huffy, and I knew the reason he came there right then was just on account of that.

Senator CURTIS. How did he know, how did any of these men know, who you were about to telephone when you went to the telephone?

Mr. BERSCH. I don't know if they did or not. I never said anything. To my knowledge, I just walked in the office and picked up the phone.

Senator CURTIS. How did they know that you were a Kohler employee?

Mr. BERSCH. Well, Vrckovic knew me and I imagine he seen me coming out of the shop in my car when he was on the picket line.

Senator CURTIS. How long had you known him?

Mr. BERSCH. At least 5 or 6 years.

Senator CURTIS. He lived around there; did he?

Mr. BERSCH. He lived in Sheboygan.

Senator CURTIS. I see. And he knew you and knew that you had been working, or had gone back to work?

Mr. BERSCH. Yes.

Senator CURTIS. But at least it was rough enough around there so that when you went to telephone, they had reason to believe that you were perhaps calling the officers; is that correct?

Mr. BERSCH. Yes.

Senator CURTIS. To what extent were you attacked? Describe it a little more in detail when you were at the telephone.

Mr. BERSCH. Well, I was hit in the eye, and it was black and blue, and I had my glasses on. I must have hit the safe with the other side of my face, because my jaw was pretty sore, and we had to have X-rays taken.

Senator CURTIS. What kind of a telephone did you have there? Was it a wall telephone, or was it a desk telephone, where the part that you pick up goes down into a cradle?

Mr. BERSCH. It was a wall phone which you stand right even with.

Senator CURTIS. A wall phone?

Mr. BERSCH. Yes.

Senator CURTIS. And you took the receiver off?

Mr. BERSCH. That is right.

Senator CURTIS. And this man that attacked you at that time, what part of the telephone did he reach for?

Mr. BERSCH. He just took his hand and just like a knife he broke the wire right off of it.

Senator CURTIS. The wire that held the receiver?

Mr. BERSCH. Yes.

(At this point, Senator McNamara entered the hearing room.)

Senator CURTIS. Was the telephone torn from the wall?

Mr. BERSCH. Yes; it was. The phone itself was not torn off.

Senator CURTIS. Did he accomplish this with one blow?

Mr. BERSCH. With one blow, yes.

Senator CURTIS. Did he have anything in his hands that you know of?

Mr. BERSCH. I didn't see anything. It happened so fast that I couldn't say positively.

Senator CURTIS. On what wall was the telephone?

Mr. BERSCH. On the west wall of the station.

Senator CURTIS. Ordinarily, when you would be talking on the telephone, would you be facing out toward the front of the filling station?

Mr. BERSCH. No. I would be facing west, and the front was to the east.

Senator CURTIS. So your assailant came up somewhat from behind you, as you were telephoning? He came in the front way?

Mr. BERSCH. Yes. Well, I could see him out of my left eye as he walked in.

Senator CURTIS. And at that time you did not know who he was?

Mr. BERSCH. I did not know.

Senator CURTIS. But you have later identified him from pictures?

Mr. BERSCH. Yes; I have.

Senator CURTIS. Now, did the third man get out of the car any time that you know of?

Mr. BERSCH. I couldn't say yes or no on that.

Senator CURTIS. This individual that you had the conversation with about the brakes, did he get out of the car when he talked to you about that?

Mr. BERSCH. No; not when he talked to me. He was in the car.

Senator CURTIS. He was in the car?

Mr. BERSCH. Yes.

Senator CURTIS. When did he first get out of the car; do you know?

Mr. BERSCH. Well, I didn't see him out at all, myself.

Senator CURTIS. How many people took part in the assault upon your father?

Mr. BERSCH. I couldn't say that, either. I was down at that time.

Senator CURTIS. Well, now, in order to clear this doubt as to who it was, were there any other customers in the filling station at this time?

Mr. BERSCH. No; there was not.

Senator CURTIS. No passer-by that you know of?

Mr. BERSCH. There was a friend of mine in the station, in the garage part.

Senator CURTIS. In the garage part?

Mr. BERSCH. Yes.

Senator CURTIS. To what extent is that separated?

Mr. BERSCH. It is right on the same building. It is about 20 foot away from where this happened.

Senator CURTIS. What is this friend's name?

Mr. BERSCH. Roland Veenendaal.

Senator CURTIS. What is his first name?
Mr. BERSCH. Roland.
Senator CURTIS. Where does he live?
Mr. BERSCH. In Sheboygan Falls.
Senator CURTIS. Do you know whether he saw what happened?
Mr. BERSCH. I think he seen, as far as seeing how many were out of the car, that I knew he seen. But I could not say if he seen exactly all that happened or not.
Senator CURTIS. He was there, and your father was there, and the only other people that were there were these people who drove up in the car?
Mr. BERSCH. That is right.
Senator CURTIS. Were you knocked out?
Mr. BERSCH. Well, momentarily, yes. Long enough that I didn't see what was going on with my father.
Senator CURTIS. When you did regain consciousness who all were there?
Mr. BERSCH. When I regained consciousness, my father and I was there. That is all that was there.
Senator CURTIS. Your friend from the garage wasn't there then?
Mr. BERSCH. He left. I think he was going down to find a cop at that time.
Senator CURTIS. He had gone to find a cop?
Mr. BERSCH. Yes.
Senator CURTIS. Then you know that, even though you couldn't see it, the individual attacking your father had to be 1 of these 3 people that drove up in the car?
Mr. BERSCH. Yes.
Senator CURTIS. Had your father come into the filling station by the time the telephone was jerked off the wall?
Mr. BERSCH. No; I don't believe he had.
Senator CURTIS. After this was all over, you had conversation with your father about it?
Mr. BERSCH. Yes; I did.
Senator CURTIS. Who did he say attacked him?
Mr. BERSCH. Well, when they attacked him, they hit him from behind. He didn't see, either.
Senator CURTIS. But it was the same people that attacked you?
Mr. BERSCH. He did not say that; no.
Senator CURTIS. How many attacked you?
Mr. BERSCH. That I wouldn't know.
Senator CURTIS. You don't know whether it was 1 or 2——
Mr. BERSCH. No, I don't.
Senator CURTIS. Or three. What kind of a car did they drive up in?
Mr. BERSCH. A 1953 Buick.
Senator CURTIS. Do you know what license number it bore?
Mr. BERSCH. I do not know, but that night he got their license number.
Senator CURTIS. Who did?
Mr. BERSCH. My father.
Senator CURTIS. Your father got the license number?
Mr. BERSCH. Yes; he did.
Senator CURTIS. And how soon after that did officers arrive?

Mr. BERSCH. I would say about 20 minutes at the most. The chief of police from Sheboygan Falls was over there.

Senator CURTIS. And your father did give a statement to the officers and also make an affidavit as to his account of what happened, did he not?

(At this point, Senator McNamara withdrew from the hearing room.)

Mr. BERSCH. Yes, he did.

Senator CURTIS. That is all, Mr. Chairman.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. I don't believe we have established how your father happened to be there. Was he working at the same filling station?

Mr. BERSCH. No, he wasn't. We had made arrangements to go fishing the next day and he came over that night, and we live right across the street, and he came over there to tell me what time to be ready. That is how he happened to be there.

Senator MUNDT. He just happened to come over, and at the same time he saw you being attacked by these goons, and so he came to your rescue the best he could?

Mr. BERSCH. That is right.

Senator MUNDT. At the time Gunaca hit you and knocked the phone out of your hand, did he say anything?

Mr. BERSCH. No, he didn't.

Senator MUNDT. The first thing you knew you were hit in the head, and you were on the way?

Mr. BERSCH. That is right.

Senator MUNDT. Was there anybody else? You don't know whether Gunaca was in the station alone at the time he hit you or whether the other fellows were there with you?

Mr. BERSCH. Yes, he would be alone.

Senator MUNDT. He would be alone?

Mr. BERSCH. Yes.

Senator MUNDT. And after your father got the license number on the car, and you checked out to see whose car it was, it was registered in the name of this man in Sheboygan, was it?

Mr. BERSCH. Yes, and I knew him right away, and I don't know if he did or not, but I knew him.

Senator MUNDT. This was his car?

Mr. BERSCH. This was his car, yes.

Senator MUNDT. How did the chief of police happen to show up on the scene? Who called him?

Mr. BERSCH. Well, he only lives about three houses down from the station. My father walked over there from the station, and Mr. Billman had just got home.

Senator MUNDT. Your father walked over after they attacked him, you mean?

Mr. BERSCH. Yes, he did.

Senator MUNDT. And what was your condition, and what were you doing at that time?

Mr. BERSCH. I had blood all over.

Senator MUNDT. And you came to consciousness?

Mr. BERSCH. Yes.

Senator MUNDT. And when your father walked over, what were you doing?

Mr. BERSCH. I was closing up.

Senator MUNDT. And this friend of yours in the next door garage, what was he doing?

Mr. BERSCH. He seen it happening, and I guess he waited around a little bit, and we got in the car and went to get the police on duty. There was one policeman on duty all of the time, and he went to find him.

Senator MUNDT. But before the policeman on duty arrived, your father had contacted the chief, who lived close by, and the chief was the first officer of the law to show up at the filling station?

Mr. BERSCH. Yes.

Senator MUNDT. Were any arrests made as a consequence of this attack?

Mr. BERSCH. I think Vrckovic was arrested later on and put on bond.

Senator MUNDT. Was anybody else arrested?

Mr. BERSCH. No.

Senator MUNDT. Why didn't they arrest Gunaca?

Mr. BERSCH. By the time they got the district attorney, Gunaca checked out of his hotel already.

Senator MUNDT. He had been in Sheboygan for some time before this attack, had he not?

Mr. BERSCH. That is what they told me, and I did not know him at all. But according to his hotel, he had been.

Senator MUNDT. I think we have established in the testimony of Mr. Burkhart that Gunaca had been there for some time, as one of the men that the UAW had there in connection with the strike. By the time you say they had made out a warrant, and were ready to pick him up, he had checked out of the hotel?

Mr. BERSCH. That is right.

Senator MUNDT. Did they try to find him later?

Mr. BERSCH. Yes, they did.

Senator MUNDT. What happened?

Mr. BERSCH. Well, Mr. Harry Schmidt and myself, the district attorney and chief of police, went to Michigan to see if we could get him back to Wisconsin, which he absolutely refused.

Senator MUNDT. Who refused?

Mr. BERSCH. The Governor of Michigan.

Senator MUNDT. Who was then Governor of Michigan?

Mr. BERSCH. I think Williams.

Senator MUNDT. Governor Williams?

Mr. BERSCH. Yes.

Senator MUNDT. Did you get to talk to Mr. Williams at all yourself?

Mr. BERSCH. No, we didn't. We got to talk to his assistant.

Senator MUNDT. What was the name of his assistant?

Mr. BERSCH. I wouldn't remember. That was a few years ago.

Senator MUNDT. You talked to his assistant, and what did his assistant tell you?

Mr. BERSCH. Well, he was afraid of a poor trial in Sheboygan, and Mr. Gunaca himself was afraid to come down there, he said, and he wouldn't get a fair trial.

Senator MUNDT. Where did this conversation take place?

Mr. BERSCH. In the capitol building, where the Governor is.

Senator MUNDT. In the Governor's office or reception room?

Mr. BERSCH. I think it——

Senator MUNDT. In the gubernatorial suite?

Mr. BERSCH. It was the suite of his secretary.

Senator MUNDT. You went to Michigan to try to see Governor Williams, and tell him to send Gunaca back so that he could stand trial?

Mr. BERSCH. Yes, sir.

Senator MUNDT. And you could not see Governor Williams, and he turned you over to some assistant, whose name you do not recall, and the assistant said, "We will not send him back because he cannot get a fair trial in Sheboygan."

Mr. BERSCH. That is right.

Senator MUNDT. How did the assistant know he couldn't get a fair trial in Sheboygan? Was he a Sheboygan boy, and did you know him?

Mr. BERSCH. Well, Mr. Rabinovitz was there at that time, too.

Senator MUNDT. Was where?

Mr. BERSCH. He had this meeting with us.

Senator MUNDT. In the Governors' office?

Mr. BERSCH. Yes, and some lawyer from Michigan, and I wouldn't know his name, he was also there.

Senator MUNDT. Mr. Rabinovitz was trying to help you or trying to help Gunaca?

Mr. BERSCH. Definitely not. He helped Gunaca.

Senator MUNDT. He was trying to help Gunaca?

Mr. BERSCH. Yes, sir.

Senator MUNDT. How did you happen to take him along?

Mr. BERSCH. We didn't take him over. We seen that he was there when we got there.

Senator MUNDT. Who saw that he was there?

Mr. BERSCH. Mr. Rabinovitz?

Sentaor MUNDT. Wait a minute. You, and I suppose a lawyer or law enforcement officer or somebody, went to Michigan. Who went with you to Michigan?

Mr. BERSCH. The district attorney, the undersheriff, and the chief of police.

Senator MUNDT. You and three law enforcement officers went to Michigan?

Mr. BERSCH. Yes, sir.

Senator MUNDT. And how did you establish contact with the Governor's office in advance?

Mr. BERSCH. That was in advance.

Senator MUNDT. You had telephoned ahead to say you were coming to Michigan, is that the idea?

Mr. BERSCH. I don't know. The district attorney took care of that.

Senatro MUNDT. The appointment was set up before you left Sheboygan?

Mr. BERSCH. That is right.

Senator MUNDT. When you arrived in the Governor's office, you found there the attorney for the UAW, Mr. Rabinovitz?

Mr. BERSCH. Yes.

Senator MUNDT. So you went back then, unable to bring this fugitive from justice back to trial?

Mr. BERSCH. That is right.

Senator MUNDT. Did you quit trying for extradition there, or did you try over?

Mr. BERSCH. Well, the law enforcement has tried over, and I never have anything to do with it.

Senator MUNDT. How often have they tried, do you know?

Mr. BERSCH. Well, if I remember right, they tried to have him in Milwaukee for a hearing one time, and he refused to come on a subpena that time.

Senator MUNDT. Will you say that again? You tried to get him tried in Milwaukee?

Mr. BERSCH. Yes, I think for a labor relations hearing or something they had one time, and he didn't come that time, either.

Senator MUNDT. This is kind of curious, because we had some kind of a wire or message from him that Milwaukee was the place he wanted to be tried.

Mr. BERSCH. Yes, and I wondered about that myself, when I heard that.

Senator MUNDT. That pretty well disposes of Mr. Gunaca for the time being. And how about this other man whose name we seem to be unable to pronounce? That starts with "V"?

Mr. BERSCH. Vrckovic.

Senator MUNDT. Was he also in Michigan?

Mr. BERSCH. No, he did not go along that time.

Senator MUNDT. Was he arrested—and you said he was arrested and out on bond, I believe?

Mr. BERSCH. Vrckovic?

Senator MUNDT. He was arrested and he was out on bond and he has been tried?

Mr. BERSCH. No, he has not.

Senator MUNDT. Why not?

Mr. BERSCH. I don't know.

Senator MUNDT. Is he still in Sheboygan?

Mr. BERSCH. No, I think he is in California or somewhere.

Senator MUNDT. He is also a fugitive from justice, and left the State.

Mr. BERSCH. Yes, sir.

Senator MUNDT. Counsel tells me that he is not a fugitive from justice, but he is out on bond, but the wheels of justice have moved kind of slowly and they haven't tried him, is that correct?

Mr. BERSCH. Yes.

Senator MUNDT. And the third man remains unknown?

Mr. BERSCH. That is right.

Senator MUNDT. Nobody has been able to identify him?

Mr. BERSCH. No.

The CHAIRMAN. Let me ask you a question. Was it the third man, or one of these that you have identified, that struck you?

Mr. BERSCH. I have identified John Gunaca.

The CHAIRMAN. He is the one who struck you?

Mr. BERSCH. Yes.

The CHAIRMAN. All right.

Senator GOLDWATER. I have just one question of the witness.

At the meeting in Michigan, at the Governor's office, was Mr. Gunaca at that meeting?

Mr. BERSCH. Yes, he was.

Senator GOLDWATER. Thank you.

The CHAIRMAN. Are there any further questions?

Senator CURTIS. You said that you went to the capitol of Michigan with the local law enforcement officers?

Mr. BERSCH. Yes, sir.

Senator CURTIS. And you had telephoned for an appointment or somebody had?

Mr. BERSCH. Well, it was arranged through the district attorney, I think it was, and he arranged the appointment.

Senator CURTIS. Now, was that advertised, or was that information made known generally, that you were going to go up there?

Mr. BERSCH. If I remember correctly, I think it was. It was in the paper.

Senator CURTIS. And when you got up there, did you ask to see the Governor or did some of your party ask to see the Governor?

Mr. BERSCH. I think there was an appointment made originally, we should have seen the Governor, but he must have had some business or something.

Senator CURTIS. It was your understanding that he did have an appointment with the Governor?

Mr. BERSCH. That was my understanding, yes.

Senator CURTIS. But did any of your party get to see the Governor?

Mr. BERSCH. No, they did not.

Senator CURTIS. Did this conversation that you had with one of his assistants take place in part of the Governor's office there?

Mr. BERSCH. Yes, I think it was the assistant's office or the Governor's office, but it was a small office.

Senator CURTIS. What individuals were present besides the prosecutor and law-enforcing officers that accompanied you? What other individuals were present when these conversations took place there in the capitol building?

Mr. BERSCH. Mr. Rabinovitz, and an attorney from Michigan.

Senator CURTIS. By Mr. Rabinovitz, who do you mean? Is that the attorney that lives in Sheboygan?

Mr. BERSCH. Yes, sir; I do.

Senator CURTIS. Is he in this hearing room now?

Mr. BERSCH. He was when I came up here.

The CHAIRMAN. Look around and see if he is here now.

Mr. BERSCH. Yes, sir; I do.

The CHAIRMAN. Where is he?

Mr. BERSCH. Right here.

The CHAIRMAN. Which one?

Mr. BERSCH. Right here.

The CHAIRMAN. Okay.

Senator CURTIS. Now, did you notify the attorney for the UAW that you were going up there?

Mr. BERSCH. I had not, and I don't think our party had.

Senator CURTIS. So you made that trip up there, having an appointment with the Governor, and you did not get to see the Governor but you were met there by two attorneys, one of whom represented the UAW?

Mr. BERSCH. Yes.

Senator CURTIS. How long did you wait around trying to see the Governor?

Mr. BERSCH. Well, I don't believe we waited at all. We had an appointment, I think it was 9 or 10 o'clock, and we went down there, and he was supposed to be there and his assistant was. Whether the district attorney was told before we came there he could see the Governor or the assistant I don't know.

I was under the impression we would see the Governor.

Senator CURTIS. Do you recall whether any reason was given why you could not see the Governor that morning?

Mr. BERSCH. No; I don't.

Senator CURTIS. That is all.

The CHAIRMAN. The Chair is asking you 3 questions here, and maybe I can confine them to 2, at the request of counsel for the UAW.

Question No. 1: Is it not true that Dr. Hanson, your father's doctor, stated on the death certificate that your father had heart disease in 1953, 1 year before the attack?

Mr. BERSCH. That was on his certificate and I never saw it. I saw on his certificate that he died from a heart attack, but I never saw that part of it on the certificate, that he had it before that.

The CHAIRMAN. You never saw that on the certificate that he had a heart condition the year before the attack on him?

Mr. BERSCH. No, I did not.

The CHAIRMAN. Is it true that Dr. Hanson stated on the death certificate that your father died of heart disease?

Mr. BERSCH. Yes, that is true.

The CHAIRMAN. Of course, it speaks for itself.

All right; is it not true that Dr. Hanson left blank the part of the death certificate referring to "other significant conditions?"

Mr. BERSCH. That I would not know.

The CHAIRMAN. You would not know?

Mr. BERSCH. No.

The CHAIRMAN. The death certificate speaks for itself, and it is already in evidence. Are there any further questions?

Thank you, and you may stand aside. Call the next witness.

Senator CURTIS. Just a moment. But the doctor told you that there was a connection between the assault on your father and his death, did he?

Mr. BERSCH. Yes, I think right after this happened, and he developed this heart disease, he said, "this trouble with his lung" and he shook his head at that time.

Senator CURTIS. That happened in conversation between you and the doctor?

Mr. BERSCH. That was just a conversation.

Senator CURTIS. Was there more than one conversation to that effect?

Mr. BERSCH. No, I don't believe there was. Not that I recall.

Senator CURTIS. I don't know what the practice is in Wisconsin, but I think that this committee could find out. I believe death certificates as a rule do not show contributing causes to death, nor anything other than the immediate cause.

I think that is the general practice, and that is meeting the requirement of what must be stated on the death certificate.

That is all, Mr. Chairman.

Senator GOLDWATER. I have just one more question, Mr. Chairman.

The seventh cervical vertebra which has been mentioned several times, and I think at one time one of the witnesses questioned whether or not it was a part of the neck. I had the secretary call Dr. Calvert's office, and it is the large bone right at the base of the neck.

It is just to locate that bone in the proper place.

The CHAIRMAN. All right. Thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. Veenendaal. Will you come around, please?

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. VEENENDAAL. I do.

TESTIMONY OF ROLAND VEENENDAAL

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. VEENENDAAL. My name is Roland Veenendaal.

The CHAIRMAN. Where do you live?

Mr. VEENENDAAL. I live at 858 Buffalo Street, Sheboygan Falls, Wis.

The CHAIRMAN. What is your business or occupation?

Mr. VEENENDAAL. I work at Everett's store, Route 3, Sheboygan Falls.

The CHAIRMAN. How long have you worked there?

Mr. VEENENDAAL. 3 years.

The CHAIRMAN. What did you do before that?

Mr. VEENENDAAL. I worked and I went to business college in Sheboygan, and I had a part-time job with the Sheboygan Press.

The CHAIRMAN. Where did you work before that?

Mr. VEENENDAAL. I was in the Army for 3 years.

The CHAIRMAN. All right, that is enough. Now proceed.

Mr. KENNEDY. Mr. Veenendaal, you have been a friend of Mr. Bersch, Jr.?

Mr. VEENENDAAL. Yes, sir.

Mr. KENNEDY. On the night of July 4, 1954, you were at the filling station, where he worked?

Mr. VEENENDAAL. Yes, sir.

Mr. KENNEDY. You had some conversation or discussion with him?

Mr. VEENENDAAL. Yes, general conversation.

Mr. KENNEDY. And then did you see him go over to take care of an automobile that pulled up with 3 men in it?

Mr. VEENENDAAL. Yes. Well, at the time, when I stepped up, he was not doing anything, so we just talked, and then he was busy at the pumps when this car pulled in.

After he attended those two cars, after he got through servicing those, then he came over to the car that pulled in up in front of the grease rack there.

Mr. KENNEDY. Did you overhear any of the conversation between them?

Mr. VEENENDAAL. I did not hear anything that was said in the car, and I did not know what they were saying, but I heard Bill say

once, "Well, that is my business," and then afterward, he said he had a truck inside that he had to grease first, and that was as much of the conversation that I heard.

Mr. KENNEDY. Did he go into the office?

Mr. VEENENDAAL. Yes, sir.

Mr. KENNEDY. And did you see him go in to make a telephone call?

Mr. VEENENDAAL. I saw him go into the office.

Mr. KENNEDY. That is all you saw?

Mr. VEENENDAAL. Yes, sir.

Mr. KENNEDY. You were on the outside?

Mr. VEENENDAAL. That is right.

Mr. KENNEDY. Did you see any of the men go in?

Mr. VEENENDAAL. As soon as he left for the office, all three men got out of the car and went into the office, too.

Mr. KENNEDY. All three of them?

Mr. VEENENDAAL. Yes, sir.

Mr. KENNEDY. Did you see what happened once they got in the office?

Mr. VEENENDAAL. Well, at that point, I stepped away from the building a ways, so I could see in through the front door, that would be the office door, and I saw some scuffling going on in there, but as to just exactly what happened, I don't know.

After that point I could not identify anybody or see who was doing what at all.

Mr. KENNEDY. You could not identify any of the people in the automobile?

Mr. VEENENDAAL. No, sir.

Mr. KENNEDY. Any of the people that went into the filling station?

Mr. VEENENDAAL. No, sir.

Mr. KENNEDY. And you don't know what happened in the filling station, other than the fact that there was a good deal of scuffling?

Mr. VEENENDAAL. That is right.

Mr. KENNEDY. What did you do then?

Mr. VEENENDAAL. Well, I saw somebody had a club, probably 18 inches long up-raised and I don't know who had that either.

Mr. KENNEDY. Was that the baseball bat?

Mr. VEENENDAAL. I found out later it was a baseball bat.

Mr. KENNEDY. Is that the one that Mr. Bersch, Sr., had gotten out of the automobile, or you don't know that?

Mr. VEENENDAAL. I don't know.

Mr. KENNEDY. So what happened?

Mr. VEENENDAAL. Then I got into my car and I was going downtown for the police, and when I got about a block and a half down the street, then I saw this other car pull out and head toward Kohler. I went past the police station, and I saw there the police was not in at that time and so I went on home.

Then I never did call them because I figured by the time I got home, that the other car had gone there and it was probably 5 minutes later, and Bersch lived right across the street, and I figured by that time they would have called them too.

(At this point, the following members were present: Senators McClellan, Mundt, Curtis, and Goldwater.)

Mr. KENNEDY. So you saw the scuffling going on, and you couldn't identify anybody or exactly what was going on, except you saw somebody with a baseball club?

Mr. VEENENDAAL. Yes, sir, that is right.

Mr. KENNEDY. Ultimately you got in your automobile, and drove by the police station, and there wasn't anybody there, so you drove home?

Mr. VEENENDAAL. That is right.

Mr. KENNEDY. That is all you had to do with it?

Mr. VEENENDAAL. Yes, sir.

Mr. KENNEDY. And you can't identify anybody?

Mr. VEENENDAAL. No, sir.

The CHAIRMAN. Just a moment. You saw the three men in the car get out and go in?

Mr. VEENENDAAL. Yes, sir, that is correct.

The CHAIRMAN. You know they went in there?

Mr. VEENENDAAL. I know the three men went into the station.

The CHAIRMAN. There wasn't any fighting until they went in there?

Mr. VEENENDAAL. That is correct.

The CHAIRMAN. There hadn't been any fighting until they went in there, is that right?

Mr. VEENENDAAL. That is right.

The CHAIRMAN. And it started immediately when they went in there, is that right?

Mr. VEENENDAAL. That is correct.

The CHAIRMAN. They went in there and the fight started?

Mr. VEENENDAAL. That is right.

The CHAIRMAN. Did you know either 1 of the 3 men in the car?

Mr. VEENENDAAL. No, sir.

The CHAIRMAN. Do you know when Mr. Bersch, Sr., went in there? Did you see him go in?

Mr. VEENENDAAL. No. I lost track of him right away. I don't know where he went.

The CHAIRMAN. The fact of the matter is you got a little scared and left, didn't you? Isn't that the fact?

Mr. VEENENDAAL. Well, that might be true.

The CHAIRMAN. It might be; it is, isn't it?

Mr. VEENENDAAL. Yes. I was going down to get the police.

The CHAIRMAN. You didn't want any part of it?

Mr. VEENENDAAL. No, I didn't that is for sure.

The CHAIRMAN. So you got scared and left?

Mr. VEENENDAAL. That is right, if that is the way you want to put it.

The CHAIRMAN. All right.

Senator MUNDT. Did you get a good enough look at the men in the car so that you might have recognized their faces?

Mr. VEENENDAAL. No. No, I was called into the police station then in Falls the next morning and they showed me some pictures, Chief Capelle had some there, but I couldn't pick any of them out.

Senator MUNDT. But your contribution to this situation is pretty much limited to the fact that this was not an attack made on Mr. Bersch by 1 individual, but that 3 of them went into the station at the time there was an attack?

Mr. VEENENDAAL. That is about the extent of it, yes, sir.

Senator MUNDT. That is about the extent of what you can contribute?

Mr. VEENENDAAL. Yes, sir.

Senator MUNDT. All right.

The CHAIRMAN. Are there any other questions?

Senator CURTIS. Mr. Chairman, before the next witness is called, I wonder if I could ask Mr. Rabinovitz a couple of questions.

The CHAIRMAN. You may.

You may stand aside.

Come forward, Mr. Rabinovitz.

Have you been sworn?

Mr. RABINOVITZ. Yes, sir, I have.

The CHAIRMAN. You will remain under the same oath.

TESTIMONY OF DAVID RABINOVITZ—Resumed

Senator CURTIS. You heard the testimony of William Bersch, Jr.?

Mr. RABINOVITZ. Yes.

Senator CURTIS. Were you present in the capital of Michigan at the time he referred to?

Mr. RABINOVITZ. I was.

Senator CURTIS. What I want to know is who notified you of the meeting and who asked you to be there?

Mr. RABINOVITZ. An attorney by the name of William Mazey, of Detroit, Mich., called me and asked me to be a witness at a hearing, an extradition hearing, before the Governor's council, and asked me to testify as to what I thought were the feelings and conditions in the community as far as Gunaca receiving a fair trial.

Senator CURTIS. Who did that came come from?

Mr. RABINOVITZ. William Mazey.

Senator CURTIS. And he is an attorney?

Mr. RABINOVITZ. Yes, sir.

Senator CURTIS. Is he related to Emil Mazey?

Mr. RABINOVITZ. He is a brother of Emil Mazey.

Senator CURTIS. Did he tell you who he represented?

Mr. RABINOVITZ. Yes; he said he represented John Gunaca.

Senator CURTIS. Did you talk to John Gunaca before he left Wisconsin?

Mr. RABINOVITZ. Yes. I saw John Gunaca in the courtroom at Sheboygan, Wis., on, I believe, the 6th day of July, at a hearing where Bill Vinson was arraigned for bond. John Gunaca was there on the 6th, which would be 2 days after this alleged incident.

Senator CURTIS. Did you have a conversation with him?

Mr. RABINOVITZ. No; I don't believe I did.

Senator CURTIS. Was he your client at that time?

Mr. RABINOVITZ. No, sir.

Senator CURTIS. That is all.

Senator MUNDT. Mr. Chairman, while we have Mr. Rabinovitz here, I wanted to call him later on another point, but I do have a question.

The CHAIRMAN. All right, Senator Mundt.

Senator MUNDT. You were in the hearing room, I am sure, yesterday, Mr. Rabinovitz?

Mr. RABINOVITZ. Yes.

Senator MUNDT. There developed a difference of opinion between Mr. Mazey, Mr. Rauh, and myself, as to whether the National Labor Relations Board had ever taken any action against the UAW in connection with the boycott carried on against the Kohler Co., especially in Milwaukee. I gathered from the testimony, and it is shared by others, that Mr. Mazey and Mr. Rauh either denied that the National Labor Relations Board had taken such action, or that they tried to minimize it and attach no significance to it, and indicated it had no legal status. I believe that you have acted as counsel for the UAW before the NLRB in various matters coming before that agency, and I believe that you have a competency in this field which perhaps is not shared by Mr. Mazey, since he, like myself, is not a lawyer, or by Mr. Rauh, who, I believe, is not a full-time attorney, for the UAW, or, if he is, probably deals in cases of this type rather than in the type of technical cases that come before the NLRB.

For that reason, I want to ask you a few questions at this time to see if we can clear this up for once and for all. Was a charge ever filed with the NLRB, charging that both the International UAW and Kohler Local 833 of the UAW, among others, had violated the secondary boycott provisions of the Taft-Hartley Act with respect to the two Milwaukee firms called Paper Importing Co. and Hammer & Gillipsie, Inc.?

Mr. RABINOVITZ. Senator, I was not involved in that case. The National Labor Relations Board hearings were going on at the time. This was another section of the General Counsel's office which had filed these charges. I understand charges were filed. I understand Mr. Rauh will sometime today file a brief and reveal to this committee all the pleadings, the complaints, and all the legal documents concerning this case. I am sure that that record will speak for itself.

Senator MUNDT. You say you were not the attorney in charge?

Mr. RABINOVITZ. No, sir.

Senator MUNDT. Who was the attorney in charge?

Mr. RABINOVITZ. I understand that Harold Cranefield, general counsel of the UAW, handled this matter in Milwaukee.

Senator MUNDT. Is Mr. Cranefield in the committee room?

Mr. RABINOVITZ. No, sir. He has not been here.

Senator MUNDT. Is there any attorney here who has any firsthand information on it?

Mr. RABINOVITZ. I don't think so. I think Mr. Bernstein is probably referring to Redmond Roache, but I am sure that Redmond Roache was not active in that. It was handled completely by Mr. Cranefield. But I say again that Mr. Rauh will file the—will document this matter and will reveal to this committee all the legal pleadings involved.

Senator MUNDT. Is Mr. Rauh a member of the general counsel of the UAW?

Mr. RABINOVITZ. I do not believe he is.

Senator MUNDT. You are the general counsel; are you not?

Mr. RABINOVITZ. I am not. Mr. Cranefield is.

Senator MUNDT. Are you a member of that counsel's staff?

Mr. RABINOVITZ. Senator, I am a small-town practicing general lawyer who is doing some work because I became involved and was retained by this local in this strike. I am not on the staff of any union.

Senator MUNDT. I see. You are not a member of their regular legal staff?

Mr. RABINOVITZ. I am not.

Senator MUNDT. And you don't know whether Mr. Rauh is or not?

Mr. RABINOVITZ. I am sure he is not.

Senator MUNDT. You are sure he isn't. I assumed he was not. I was trying to find a lawyer whose direct contact would enable us to straighten out this record.

Mr. RABINOVITZ. You will receive all that information today.

Senator MUNDT. If I got it from Mr. Rauh, I would get it secondhanded, or if I got it from you I would get it secondhanded.

Mr. RABINOVITZ. No; you will not. You will get from Mr. Rauh a brief, together with all the documents or a summary of all the documents that were filed in that court, in the Milwaukee Federal Court.

Senator MUNDT. In all events, Mr. Rabinovitz, I assume you were in the general counsel's office and can answer this out of firsthand information. If you tell me you cannot answer this out of firsthand information, there is no use to pursue it further with you, and I will not pursue it with Mr. Rauh, but if he wants to file his exhibit, we will analyze the exhibit and see where we go from there.

Thank you.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. John Gunaca.

The CHAIRMAN. Come forward, Mr. Gunaca.

Stand and be sworn. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. GUNACA. I do.

TESTIMONY OF JOHN GUNACA, ACCOMPANIED BY D. CHARLES MARSTON, COUNSEL, DETROIT, MICH.

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. GUNACA. My name is John Gunaca. I live at 4300 Devonshire, Detroit, Mich. I am a bartender at this time.

The CHAIRMAN. You are a what?

Mr. GUNACA. A bartender.

The CHAIRMAN. A bartender?

Mr. GUNACA. Yes, sir.

The CHAIRMAN. Do you have counsel present to represent you?

Mr. GUNACA. Yes, sir.

The CHAIRMAN. Counsel, will you identify yourself for the record, please, sir?

Mr. MARSTON. Yes, sir.

My name is D. Charles Marston. I am a dues-paying member of the Michigan State bar.

The CHAIRMAN. A dues-paying member?

Mr. MARSTON. Yes, sir.

The CHAIRMAN. Are you in good standing?

Mr. MARSTON. Yes, sir.

The CHAIRMAN. All right.

Senator CURTIS. Are you a member of a firm, Mr. Marston?

Mr. MARSTON. Yes, sir.

Senator CURTIS. Who are the other members?

Mr. MARSTON. Nicholas J. Rothe, William Mazey, Theodore R. Sachs, and Robert O'Connell.

Senator CURTIS. That is Mazey, that is the brother of Emil Mazey?

Mr. MARSTON. That is correct.

The CHAIRMAN. You are familiar with the rules of the committee, I am sure?

Mr. MARSTON. I will try to follow them as well as I can, sir.

The CHAIRMAN. Thank you.

Proceed.

Mr. KENNEDY. Mr. Gunaca, you have been a member of the UAW?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. Since when?

When did you become a member of the UAW?

The CHAIRMAN. Speak a little louder.

I want to hear what you have to say.

Mr. GUNACA. 1948.

Mr. KENNEDY. 1948?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. Where were you working at that time?

Mr. GUNACA. At the Briggs Manufacturing Co.

Mr. KENNEDY. And what local were you in, in the UAW?

Mr. GUNACA. Local 212, UAW-CIO.

Mr. KENNEDY. Did you ever become an officer of the UAW?

Did you ever have an official position?

Mr. GUNACA. I was chief steward there.

Mr. KENNEDY. Were you elected chief steward?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. Appointed or elected chief steward?

Mr. GUNACA. Elected.

Mr. KENNEDY. When were you elected chief steward?

Mr. GUNACA. Some time in 1949.

Mr. KENNEDY. And you held that position for how long?

Mr. GUNACA. Until I left in 1952.

Mr. KENNEDY. Were you elected again, or was that the only election, in 1949? Were you reelected?

Mr. GUNACA. I was reelected yearly. It is a yearly election.

Mr. KENNEDY. So you were reelected in 1950 and 1951 and 1952, is that right?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. And during this time you were working at the Briggs Manufacturing Co.?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. Then did you leave the Briggs Manufacturing Co. in 1952?

Mr. GUNACA. Yes; I did.

Mr. KENNEDY. For what reason did you leave them in 1952? Was that of your own accord?

Mr. GUNACA. Yes; it was on my own accord, Mr. Kennedy.

Mr. KENNEDY. You were not fired?

Mr. GUNACA. No; I was not.

Mr. KENNEDY. You just left the Briggs Manufacturing Co., is that right?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. What job did you take to go into then? What position did you take?

Mr. GUNACA. I left the State of Michigan at that time.

Mr. KENNEDY. And for how long were you out of the State of Michigan?

Mr. GUNACA. Almost a year.

Mr. KENNEDY. And did you have any other job in the interim, in 1952–53?

Mr. GUNACA. I don't understand your question.

Mr. KENNEDY. Did you have any job between 1952 and 1953.

Mr. GUNACA. Yes; I did.

Mr. KENNEDY. What kind of work were you doing then?

Mr. GUNACA. I was a car salesman down in Kansas City, Mo.

Mr. KENNEDY. Were you a member of any union at that time?

Mr. GUNACA. No, sir.

Mr. KENNEDY. Did you remain in the UA——

Mr. GUNACA. Excuse me. I want to retract that. I was still a member of local 212.

Mr. KENNEDY. Of the UAW?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. You retained your membership in the UAW although you left the Briggs Manufacturing Co.?

Mr. GUNACA. Yes, sir, and I still retain it today.

Mr. KENNEDY. You were paying your dues in that period of time?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. And you came back to Michigan in 1953?

Mr. GUNACA. It was, to the best of my recollection, it was the latter part of 1952 or the first part of 1953. I don't remember.

Mr. KENNEDY. What work did you do then when you came back?

Mr. GUNACA. When I first came back, I went to my local union and I tried to get my job back in the Briggs Manufacturing Co. I would like to retract that a little bit, because prior to the time of me leaving, the Briggs Manufacturing Co. sold its part of the automobile industry to the Chrysler Manufacturing Co., and at the time that I left in 1952 it did belong to the Chrysler Corp.

Mr. KENNEDY. So you tried to get your old job back anyway, when you got back to Michigan?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. Were you able to do that?

Mr. GUNACA. No; I was not.

Mr. KENNEDY. For what reason?

Mr. GUNACA. As far as I know, the company stated that I had left voluntarily, and they paid me off on a voluntary quit, and they didn't want to rehire me.

Mr. KENNEDY. So they had no obligation to rehire you at that time?

Mr. GUNACA. No; they did not.

Mr. KENNEDY. That is the statement they made, that they had no obligation to rehire you?

Mr. GUNACA. That is what they stated.

Mr. KENNEDY. Did you get into some other job?

Senator MUNDT. Before we leave that point, do you disagree with that position? Do you think they had an obligation to rehire you?

Mr. GUNACA. Senator, that question there, whether they had an obligation to rehire me or not, I couldn't answer that.

Mr. KENNEDY. I am asking you for your opinion. I don't know. You said they said they had no obligation to rehire you.

I say do you agree with them or do you disagree, and if you disagree, on what ground?

Mr. GUNACA. Well, when I left the Chrysler Corp., they were, the management of the department I was attached to, they were aware of my domestic problems, because I had discussed it——

Mr. KENNEDY. Were aware of what?

Mr. GUNACA. My domestic problems at this time. That is why I left there.

Mr. KENNEDY. Domestic problems?

Mr. GUNACA. Yes, sir; it is a domestic problem.

Mr. KENNEDY. You had been in trouble in the plant itself?

Mr. GUNACA. No, sir; it was at home. Family trouble.

Mr. KENNEDY. I didn't know we were talking about family troubles. I thought you said you left to go to Sheboygan to do something in the strike.

Mr. GUNACA. No, sir; I did not say that.

Senator MUNDT. What did you tell? I suppose a fellow working for a company can't just walk out and quit and then walk back when he wants to. You have to say something to somebody that you are going on a leave of absence, don't you?

Mr. GUNACA. Yes, sir.

Senator MUNDT. Who do you report to in a big outfit like that?

Mr. GUNACA. Well, the legal procedure, according to contract, was that it had to be requested through the employment office.

Senator MUNDT. You went to an employment officer?

Mr. GUNACA. I did not. At the time that I left the plant, I did not go to the employment office.

Senator MUNDT. You just walked out and didn't come back?

Mr. GUNACA. I informed the superintendent of the department that I was going to leave, and that I didn't know right there and then how long I would be gone.

And that was arranged more or less on a personal agreement that we have done on occasions, that we done it on those basis where if somebody needed a little time off they would not have to go through the employment office to get a leave of absence, that they could do it from the department itself. That was not in contract, though, and I would like to point that out.

Senator MUNDT. In other words, what you did was not in conformity with the contract?

Mr. GUNACA. Pardon?

Senator MUNDT. What you did was not in conformity with the contract. The way the contract was written, you should have gone to an employment officer. Instead of going to an employment officer, you went to the superintendent; is that correct?

Mr. GUNACA. Sir, it is not an employment officer. It is the employment office.

Senator MUNDT. All right. The contract says that you should go through the employment office. But you did not go through the employment office, you went to the superintendent instead, thereby violating the contract. And, as a consequence, when you came back, the corporation said "We don't have to hire you because you have been absent in violation of the contract."

Does that summarize what you were up against?

Mr. GUNACA. Well, Senator, that is a personal opinion that you draw, probably.

Senator MUNDT. I drew it out of your testimony. If you have some other opinion as to where it is wrong, tell me where it is wrong.

Mr. GUNACA. Well, according to the contract it is right.

Senator MUNDT. That is what I said. That is not a personal opinion. I am interpreting the contract as you interpreted it to me. I have never seen a contract. You must have seen one. Up to now, then, we understand each other that those were the conditions under which you left, and those were the reasons why they refused to employ you when you came back.

Mr. GUNACA. Well, the reason they refused to hire me back with my full seniority was that I was active in a union. I was a chief steward at the time.

Senator MUNDT. Say that again?

Mr. GUNACA. One of the main reasons that they refused to rehire me, the main reason that they gave, was that I left voluntarily. But the reason was that I was active in a union. I held the position of a chief steward in the shop.

Senator MUNDT. What would that have to do with it? Every shop has to have a chief steward; doesn't it?

Mr. GUNACA. Yes, sir.

Seantor MUNDT. Had you done something as chief steward that the company thought was reprehensible?

Mr. GUNACA. Not to my knowledge.

Senator MUNDT. They wouldn't fire you because you were chief steward, because somebody else would become the chief steward, and if they like chief stewards or don't like them has nothing to do with the case. They have to have them.

Mr. GUNACA. You don't understand the problems in the shops, Senator.

Senator MUNDT. I am trying to have you explain them to me.

It doesn't sound sensible to me to say "They wouldn't hire me back because I was a chief steward," because failing to hire you didn't eliminate a chief steward. Somebody else stepped in and became chief steward; didn't he? Isn't that right?

Mr. GUNACA. Yes, sir.

Senator MUNDT. The only way I could add up your testimony is the reason you would not be employed is because you walked out in violation of the contract and failed to go through the employment officer, or office, and instead went through the superintendent.

Mr. GUNACA. That is true.

Senator MUNDT. All right.

Mr. KENNEDY. Then you didn't get your old job back, so you took some different employment in 1953; is that right?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. What was the employment that you took at that time?

Mr. GUNACA. When I first came back, I went to the local, like I stated before, and I did not get my job back in the plant. I don't remember now who arranged it, but it was during a time of an election and they got me a job with the Wayne County CIO Council, doing PAC work.

I believe that I worked for them for about 3 to 4 weeks. I am not exact as to the dates.

Senator MUNDT. What is PAC work?

Mr. GUNACA. Political Action Committee.

Senator MUNDT. After you came back from Sheboygan, then, you went to work for the Political Action Committee?

Mr. KENNEDY. This is before, Senator.

Senator MUNDT. I am mixed up in the dates. I thought you left the plant.

Mr. KENNEDY. He went to Kansas then.

Senator MUNDT. This is when he went to Kansas? When you left the plant because of domestic difficulties, you went to Kansas, is that right, Mr. Gunaca?

Mr. KENNEDY. Yes, sir, that is right.

Senator MUNDT. And it was upon your return from Kansas that you failed to get your job back because of the interpretation which is already in the record?

Mr. GUNACA. Yes, sir.

Senator MUNDT. And at that time, you went to work for the Political Action Committee instead of for Chrysler?

Mr. GUNACA. Senator, that was Kansas City, Mo. It was not Kansas.

Senator MUNDT. Kansas City, Mo. All right. Who did you work for when you were working for the Political Action Committee?

Who was your employer?

Mr. GUNACA. It was the Wayne County CIO Council.

Senator MUNDT. Who was the head of that?

Mr. GUNACA. Mike Novak is the president.

Senator MUNDT. Who?

Mr. GUNACA. Mike Novak.

Senator MUNDT. And from whom did you get your check?

Mr. GUNACA. From the Wayne County CIO Council.

Senator MUNDT. Who was the secretary-treasurer that paid you?

Mr. GUNACA. Al Barber.

Senator MUNDT. And what was your salary?

Mr. GUNACA. That, sir, I couldn't—I can't remember what the salary was.

Senator MUNDT. Would you remember whether it was more or less than you were earning as a shop steward? Or was it about the same?

Mr. GUNACA. It was right in the same category.

Senator MUNDT. Roughly the same?

Mr. GUNACA. Yes, sir.

Senator CURTIS. What were your duties working for the PAC?

Mr. GUNACA. Distributing campaign literature.

Senator CURTIS. And what months and what years did you work for them?

Mr. GUNACA. You are trying to pin me down to a date, Senator.

Senator CURTIS. I didn't ask for the days.

Mr. GUNACA. The dates, I said. I can't remember the dates.

Senator CURTIS. Do you know what year it was?

Mr. GUNACA. It had to be in 1953.

Senator CURTIS. Was it in the spring, in the summer, in the fall or in the winter?

Mr. GUNACA. Well, it had to be—it was during the campaign, election campaign, so it had to be in the spring.

It was the primary.

Senator CURTIS. Was it a political campaign in Michigan?

Mr. GUNACA. I believe it was an election in the city of Detroit.

Senator CURTIS. In the city of Detroit?

Mr. GUNACA. Yes, sir.

Senator CURTIS. In the city of Detroit?

Mr. GUNACA. Yes, sir.

Senator CURTIS. From whom did you get your checks?

Mr. GUNACA. From the Wayne County CIO Council.

Senator CURTIS. You worked for the PAC, but the CIO Council paid you?

Mr. GUNACA. Well, sir, the Wayne County Council is a PAC.

Senator CURTIS. And you distributed literature, you say?

Mr. GUNACA. Yes, sir.

Senator CURTIS. To the homes?

Mr. GUNACA. To various different locals.

Senator CURTIS. And whose literature was it?

Mr. GUNACA. You will have to be more clear on that, Senator.

Senator CURTIS. It was literature in behalf of what candidates?

Mr. GUNACA. They were all Democrats.

Senator CURTIS. What offices were they running for is what I meant.

Mr. GUNACA. I will have to check if you want me to be sure on that. I believe I can check.

Senator CURTIS. What is your best recollection? Was it councilman, mayor?

Mr. GUNACA. I believe it was for judgeships.

Senator CURTIS. For judgeships?

Mr. GUNACA. Yes, sir.

Senator CURTIS. You weren't electing a mayor at that time?

Mr. GUNACA. I don't remember now, to tell you the truth. I really don't.

Senator CURTIS. Under what name did you work?

Mr. GUNACA. John Gunaca.

Senator CURTIS. Have you used any other name at any time?

Mr. GUNACA. The only name that I have ever used before was John Dempsey.

Senator CURTIS. Have you used any other one since?

Mr. GUNACA. Just John Dempsey.

Senator CURTIS. That is all on this particular point.

Senator MUNDT. Are you sure this was an election for judgeships? This is a little bit shocking to me. I listened to Mr. Mazey talk for 2 days about the fact that Judge Schlichting wasn't an unbiased and prejudiced judge. Now you are telling me that the CIO is trying to elect its own judges in Detroit. I don't see how in the world you are going to try to get the kind of judges that Mr. Mazey talks about, if you are out campaigning for them and electing them as part of the campaign team. Are you sure you were campaigning for judges?

Mr. GUNACA. I as not sure who——

Senator MUNDT. I think this has become pretty important, Mr. Gunaca, and I think you should tell us. After all, if you are getting paid good wages for campaigning for an official, certainly you know

who the official was. You can't tell us you don't know who you were working for.

Mr. GUNACA. I know who I was working for, but I can't remember the officials who were running for office. If you will give me a few minutes, I think I can check and find out.

Senator MUNDT. I will give you the time. Go ahead.

Mr. GUNACA. Will you do that, sir?

Senator MUNDT. Surely.

(The witness conferred with his counsel.)

The CHAIRMAN. Does anybody in the room know who he was campaigning for?

Mr. MARSTON. May it please the chairman——.

The CHAIRMAN. No one knows? Find out as early as you can.

Mr. MARSTON. We shall, sir, and we will provide you with that information.

Senator MUNDT. I have the assurance of counsel that he will have the witness find out and give it to us as sworn testimony?

Mr. MARSTON. Yes, sir.

Senator MUNDT. Very well. That is all, Mr. Chairman.

It is incredible to me it could be judgeships after I listened to this fine impassioned speech by Mr. Mazey, hour after hour and day after day about the importance of unbiased judges. I agree judges should be unbiased.

The CHAIRMAN. All right, Mr. Kennedy, proceed.

Mr. KENNEDY. Mr. Gunaca, we are in 1953, you worked for the PAC for a while.

After that job was over, what did you do then, without going into detail?

I am trying to get up to 1954.

Mr. GUNACA. I got a job as bartender, part time.

Mr. KENNEDY. And you held that job into 1954, did you?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. Did you have an application on with the union for doing more union work during this period?

Mr. GUNACA. Mr. Kennedy, it wasn't an application. It was verbal.

Mr. KENNEDY. What?

A request?

Mr. GUNACA. A request.

Mr. KENNEDY. What kind of request was it?

Mr. GUNACA. I told my local union that if there was any work that I could do pertaining to a steady job that I would appreciate it because then at the time I was only working part time.

Mr. KENNEDY. Then did they get in touch with you, your union, in 1954, and tell you that they had a job that you could help them on?

Mr. GUNACA. A member of local 212.

Mr. KENNEDY. Who got in touch with you?

Mr. GUNACA. A fellow by the name of Frank Kaye.

Mr. KENNEDY. Did he have any position in local 212?

Mr. GUNACA. At the time he was chairman of the committee, the shop committee, of the Mack Avenue plant, the plant that I was attached to.

Mr. KENNEDY. What conversation did you have with Frank Kaye, just roughly?

Mr. GUNACA. The only conversation that I had with Frank Kaye was that he asked me if I would like to go to Sheboygan, Wis.

Mr. KENNEDY. What did he say was going on in Sheboygan, Wis.

Mr. GUNACA. That they had a strike down there with the Kohler Co.

Mr. KENNEDY. What did he say that you could do?

Mr. GUNACA. He didn't say anything that I could do.

Mr. KENNEDY. What were you going to do? What did he suggest that you do once you got to Sheboygan?

Mr. GUNACA. He didn't suggest anything.

Mr. KENNEDY. Had you had experience on strikes, and experience with this kind of work?

Mr. GUNACA. I had experience with strikes.

Mr. KENNEDY. What did you understand you were supposed to do, once you went up there to Sheboygan?

Mr. GUNACA. I didn't understand anything that I was supposed to do. Nobody told me what to do.

Mr. KENNEDY. You just went. Well, let's go back. You had a conversation with Mr. Kaye in which he said "We would like to have you go to Sheboygan." He didn't tell you what he wanted you to do once you got there, but he asked you if you wanted to go to Sheboygan and help out in the strike, is that right?

Mr. GUNACA. He asked me if I would like to go.

Mr. KENNEDY. And you said you would like to go?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. And there was some financial arrangements discussed, that the union was to pay your salary and expenses?

Mr. GUNACA. No, there was nothing discussed on that.

Mr. KENNEDY. Ultimately, you must have learned that the union would pay your salary and expenses, is that right?

Mr. GUNACA. After I got to Sheboygan.

Mr. KENNEDY. Who told you that?

Mr. GUNACA. No one told me.

Mr. KENNEDY. You just started getting checks?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. All right. Approximately when did you go up to Sheboygan?

Mr. GUNACA. Somewhere around April 9 or 10 of 1954.

Mr. KENNEDY. The strike started on April 5, 1954; so you went within a week of the beginning of the strike; is that right?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. You went around April 10?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. When you got up to Sheboygan, did you report to anybody?

Mr. GUNACA. I didn't report to no one; no, sir.

Mr. KENNEDY. What did you do?

Mr. GUNACA. When I first got into Sheboygan?

Mr. KENNEDY. Yes.

Mr. GUNACA. I checked into the Grant Hotel.

Mr. KENNEDY. I don't want to know everything that you did. Did you start doing some work for the union, or did you become interested in the strike? Did you talk to someone?

Mr. GUNACA. After I checked into the hotel, I went to a meeting that was being held that Sunday night, and directly from that meeting I went out to the strike kitchen.

Senator MUNDT. Let's stop at the meeting a minute. Who called the meeting? Who was in charge of the meeting?

Mr. GUNACA. Well, Senator, as far as I know, the sergeant at arms was in charge of the meeting.

Senator MUNDT. The sergeant at arms of what?

Mr. GUNACA. Pardon?

Senator MUNDT. The sergeant at arms of what?

Mr. GUNACA. Of the meeting.

Senator MUNDT. Whom did he represent? He was a sergeant-at-arms of what organization?

Mr. GUNACA. Of Local 833, UAW–CIO.

Senator MUNDT. How did you learn about the meeting? You checked into the hotel, a strange boy in a strange town. How did you find out about the meeting?

Mr. GUNACA. At the——

Senator MUNDT. Who told you about it?

Mr. GUNACA. The town is very small, Senator.

Senator MUNDT. I will grant that. Who told you about the meeting?

Mr. GUNACA. The local union hall was right around the corner from the hotel.

Senator MUNDT. That doesn't quite answer the question. The question was: Who told you about the meeting?

Mr. GUNACA. No one told me about the meeting. I went directly after the hotel; I went directly to the local union.

Senator MUNDT. After you checked in on Sunday night, you went directly to the union hall; is that right?

Mr. GUNACA. Yes, sir.

Senator MUNDT. And to your surprise you found a meeting going on; right?

Mr. GUNACA. It was no surprise, because this has happened in several different occasions on strikes.

Senator MUNDT. You just assumed there would be a meeting going on?

Mr. GUNACA. Yes, sir.

Senator MUNDT. Out of your abundance of experience in striking before, you figured there would be a meeting every night in the union hall?

Mr. GUNACA. I did not say every night, sir.

Senator MUNDT. Every Sunday night?

Mr. GUNACA. I didn't say every Sunday night, either.

Senator MUNDT. What made you think there would be a meeting the night you arrived in Sheboygan. It wasn't the welcoming meeting for Gunaca, was it?

Mr. GUNACA. No, sir.

Senator MUNDT. What made you think there would be a meeting?

Mr. GUNACA. All the lights were on in the local union.

Senator MUNDT. I see. The lights were on?

Mr. GUNACA. Yes.

Senator MUNDT. Did you know whether someone in Detroit told you where to find the union hall?

Mr. GUNACA. No; they did not.

Senator MUNDT. Did you ask the hotel clerk where the union hall was?

Mr. GUNACA. I believe I did, but I don't remember if I did or not. I couldn't swear to that.

Senator MUNDT. Let us assume that, and we will let that stand uncontested. You asked the clerk of the hotel, "Where is the union hall?" and you walked over and you saw all of the lights there, so you walked in. How did you identify yourself, and to whom?

Mr. GUNACA. Well, it might sound funny, but I didn't identify myself to anyone.

Senator MUNDT. How did the boys running the meeting know you weren't one of these spies that they keep talking about?

Mr. GUNACA. Well, right at that meeting, I saw familiar faces there that I knew.

Senator MUNDT. Who knew you?

Mr. GUNACA. James Fiore.

Senator MUNDT. You can't get identified because you know someone else. Someone has to know you. You can't do it because you know somebody else. Somebody else has to know you to let you in.

Mr. GUNACA. I beg your pardon?

Senator MUNDT. How did you identify yourself as being somebody on the side of the strikers, and to whom did you identify yourself? That is what I am trying to find out.

Mr. GUNACA. Mr. Senator, as I stated, when I went to the meeting, after the strike was in process, and everybody was all excited and everything, and a bunch of people were there, and everybody was walking in and out, I don't think that anybody really knew everybody that was there.

Senator MUNDT. All right. So you walked over to the union hall and you found the lights on and you walked in and you found the meeting going on, and it was being run by the sergeant at arms. Did you know him?

Mr. GUNACA. At the time——

Senator MUNDT. Was he a familiar face?

Mr. GUNACA. No, sir.

Senator MUNDT. How did you know he was the sergeant at arms?

Mr. GUNACA. Well, that is the way our meetings are conducted.

Senator MUNDT. On all of your previous strikes, when you walked into meetings, you found a sergeant at arms in charge of the meeting, and so you assumed the fellow in charge here was a sergeant at arms. Is that the testimony?

Mr. GUNACA. The sergeant at arms was in charge of the meeting, and you have a chairman just like you have here.

Senator MUNDT. Who was the chairman?

Mr. GUNACA. The president of the local. At the time I did not know him.

Senator MUNDT. Did he know you?

Mr. GUNACA. He did not.

Senator MUNDT. You saw some familiar faces, you said, and who were the familiar faces?

Mr. GUNACA. James Fiore.

Senator MUNDT. He came from your same local in Detroit?

Mr. GUNACA. Yes, he did.

Senator MUNDT. And any other familiar face?

Mr. GUNACO. Guy Barber.

Senator MUNDT. And he came from your same local in Detroit?
Mr. GUNACA. No; he is from local 7, the Chrysler local 7.
Senator MUNDT. In Detroit?
Mr. GUNACA. Yes, sir.
Senator MUNDT. Were there any other familiar faces?
Mr. GUNACA. No.
Senator MUNDT. Then feeling kind of lonely in this meeting of strangers and seeing two familiar faces, I suppose you went up to one familiar face or the other and said, "Hi buddy, I have arrived," or something, and identified yourself, is that right?
Mr. GUNACA. I just walked up to Jim Fiore and Guy Barber, and they saw I was there, and there were no questions asked. Nobody said, "What are you doing here?" or anything of that respect.
Senator MUNDT. We are at the meeting, and you meet a friend. I am trying to find out, through this series of questioning, who it was who finally told you at Sheboygan what your job was, because you didn't know when you left home, and you didn't know when you got to the hotel, and you didn't know when you got to the meeting, and you didn't know when you met Barber.
When did you find out what your job in Sheboygan was to be and who told you and who gave you your instructions?
Mr. GUNACA. Sir, no one told me what my job was to be down there, and nobody gave me instructions.
Senator MUNDT. Did you ever find out why you were there?
Mr. GUNACA. I knew why I was there.
Senator MUNDT. Was it to attack somebody in a filling station; is that the reason?
Mr. GUNACA. No, sir.
Senator MUNDT. Then what was the reason? You said you knew why you were there, but you haven't told us.
Mr. GUNACA. To assist the strikers on the picket line.
Senator MUNDT. Oh, you were to walk on the picket line. Did you walk on the picket line then faithfully every morning at 6 a. m., bright and early, back and forth?
Mr. GUNACA. Yes, sir.
Senator MUNDT. Cheek to jowl?
Mr. GUNACA. Pardon me.
Senator MUNDT. Belly to back, he said, instead of cheek to jowl.
Mr. GUNACA. You will have to make that more plainer.
Senator MUNDT. It is pretty difficult, I realize.
Mr. GUNACA. I don't understand the question.
Senator MUNDT. I think it is altogether too complicated and I will withdraw that question. I am trying to find out what else you did in Sheboygan besides walk back and forth on the picket line every morning at 6 a. m.
Mr. GUNACA. I assisted in the strike kitchen.
Senator MUNDT. As a cook?
Mr. GUNACA. No, sir.
Senator MUNDT. Did you just get that idea after you got there, and you said, "This looks like my dish of tea, and I am going to work in the kitchen," or did someone suggest, "Mr. Gunaca, you do a kitchen tour of duty."
Mr. GUNACA. No one suggested it, and I offered my services.

Senator MUNDT. To whom did you offer them?

Mr. GUNACA. To the kitchen staff.

Senator MUNDT. We got you in the kitchen and we have got you walking out on the picket line. Did you do anything else?

Mr. GUNACA. No, I did not.

Senator MUNDT. Did anybody ever suggest to you at any time in any way what you were to do in Sheboygan, or did you always make up your own mind and volunteer for duties and decide for yourself what your function was?

Mr. GUNACA. I always made up my own mind.

Senator MUNDT. You always made up your own mind?

Mr. GUNACA. Yes, sir.

Senator GOLDWATER. Mr. Gunaca, I believe in a statement to counsel you said that you were an expert on setting up strikes.

Mr. GUNACA. No, sir; I never made that statement, Senator.

Senator GOLDWATER. You made some statement similar to that, indicating to me that you had had rather broad experience or some experience with strikes. Am I correct in that?

Mr. GUNACA. I had some experience in strikes; yes, sir.

Senator GOLDWATER. When did you join the UAW?

Mr. GUNACA. The first time that I joined was in 1943.

Senator GOLDWATER. But when did you join again?

Mr. GUNACA. In 1948.

Senator GOLDWATER. Did you participate in the Aeroquip strike at Jackson, Mich.

Mr. GUNACA. No, sir.

Senator GOLDWATER. Did you say "no"?

Mr. GUNACA. No.

Senator GOLDWATER. Did you participate in the Bell Aircraft strike in 1949?

Mr. GUNACA. No, sir; I did not.

Senator GOLDWATER. How about the Chrysler strike in Marysville, Mich., in 1950?

Mr. GUNACA. In the strike in 1950 with the Chrysler Corp. in Detroit, on my own time I walked the picket line at the Jefferson plant.

Senator GOLDWATER. Is Marysville adjacent to Detroit?

Mr. GUNACA. Pardon me.

Senator GOLDWATER. Is Marysville adjacent to Detroit?

Mr. GUNACA. Well, it is part of the Chrysler Corp. and it has nothing to do with the local in Detroit.

Senator GOLDWATER. And in 1951, did you participate in the Meyer and Welsh strike?

Mr. GUNACA. No, sir.

Senator GOLDWATER. Now, in 1952, did you participate in the Peerless Production Co. strike?

Mr. GUNACA. No, sir.

Senator GOLDWATER. In Detroit?

Mr. GUNACA. No, sir.

Senator GOLDWATER. In 1953 did you participate in the North American Aviation strike, in Columbus, Ohio?

Mr. GUNACA. No, sir.

Senator GOLDWATER. How about the same year, the Kingsford Chemical Co. strike?

Mr. GUNACA. No, sir.

Senator GOLDWATER. How about the Square D Co. strike in 1954?

Mr. GUNACA. I have walked that picket line.

Senator GOLDWATER. Did you see Mr. Vinson at that strike?

Mr. GUNACA. I believe he was there.

Senator GOLDWATER. Was Emil Mazey at that strike?

Mr. GUNACA. I never saw him.

Senator GOLDWATER. Did you participate in the Perfect Circle strike, in 1955?

Mr. GUNACA. No, sir.

Senator GOLDWATER. What other strikes, other than those I have mentioned, did you participate in during your membership in the UAW?

Mr. GUNACA. No other strikes, sir.

Senator GOLDWATER. You have participated in three strikes, according to your testimony?

Mr. GUNACA. Yes, sir.

Senator GOLDWATER. And there has been violence in each of them?

Mr. GUNACA. There was no violence to my recollection.

Senator GOLDWATER. Well, according to the accounts of the strikes, there was violence in each one of those. Now, could you tell us, were you a member of the flying squadron?

Mr. GUNACA. I was a member of the flying squadron up until 1952 when I left local 212, in the Chrysler Corp.

Senator GOLDWATER. What were your duties as a member of the flying squadron?

Mr. GUNACA. Sir, the functioning of the flying squadron as far as I know, so far as anybody else is concerned, our local only participated in Labor Day parades, and they assisted the recreation committee on our annual picnics.

Senator GOLDWATER. Those are the only duties that the flying squadron has? What would the flying squadron do on a strike?

Mr. GUNACA. Nothing that I know of, just like any other member. They would be just like any other member being out there.

Senator GOLDWATER. To get back to Kohler, before Mr. Kennedy takes you back for a while, you said that you were paid while you were at the Kohler strike?

Mr. GUNACA. Yes, sir.

Senator GOLDWATER. On which account were those checks drawn?

Mr. GUNACA. Sir, on what account they were drawn from I don't know, and the only thing I know is that the checks would come from local 212, UAW-CIO.

Senator GOLDWATER. They came from Detroit, Mich., to you in Kohler?

Mr. GUNACA. Yes, sir.

Senator GOLDWATER. Were they delivered to you by mail, or did somebody deliver them to you?

Mr. GUNACA. They were delivered by mail.

Senator GOLDWATER. And you were staying at the hotel and they were delivered there by mail?

Mr. GUNACA. Yes, sir.

Senator GOLDWATER. That is all, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

Senator GOLDWATER. We have some other questions.

Senator CURTIS. I am waiting for the counsel to finish.

The CHAIRMAN. The Chair is thinking of a little bite to eat.

Mr. GUNACA. Mr. Chairman, is it all right if I smoke?

The CHAIRMAN. I have no objection. Are there any other questions before we recess for lunch?

The committee will stand in recess until 2 o'clock.

(Whereupon at 12:10 p. m., the committee recessed, to reconvene at 2 p. m., Tuesday, March 11, 1958.)

AFTERNOON SESSION

(At the time of the reconvening, the following members were present: Senators McClellan and Curtis.)

The CHAIRMAN. The committee will come to order, please.

TESTIMONY OF JOHN GUNACA, ACCOMPANIED BY D. CHARLES MARSTON, COUNSEL, DETROIT, MICH.—Resumed

The CHAIRMAN. All right, Mr. Kennedy, proceed.

Mr. KENNEDY. Mr. Gunaca, you had just arrived in Sheboygan, and you were attending a meeting. What were the services that you performed once you started work up there? What did you do?

Mr. GUNACA. Mr. Kennedy, I assisted pickets on the picket line.

Mr. KENNEDY. What would that mean? You would walk up and down?

Mr. GUNACA. I was walking up and down.

Mr. KENNEDY. Did they know that you were somebody special up there?

Mr. GUNACA. I wouldn't say I was somebody special.

Mr. KENNEDY. You had come out from another local to assist them especially?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. Did they know that?

Mr. GUNACA. They knew it after I got on the picket line.

Mr. KENNEDY. How did they know that?

Mr. GUNACA. I told some of them, and it was more or less from mouth to mouth.

Mr. KENNEDY. Would you tell them how they should walk on the picket line and that type of thing?

Mr. GUNACA. The only thing that I ever told any pickets was to keep it as peaceful as they can, and not to cause any sort of violence.

Mr. KENNEDY. The question that I am trying to get an answer to is: If they had 2,000 pickets up there, why was it necessary to bring another man from Detroit to march in the picket line?

Mr. GUNACA. For the morale.

Mr. KENNEDY. They had 1,999 other people raising their morale. Why did they have to have you?

Mr. GUNACA. Well, Mr. Kennedy, the conditions under which the people were on strike, and the conditions that they lived under prior to the strike, that they were not advanced in a labor movement as far as someone like myself would have been.

Mr. KENNEDY. I am just trying to find out. I can understand, possibly, your going up there. But I am trying to find out what you were contributing.

All I can understand so far is that you just wandered up there, got in the picket line and marched back and forth. It must have been something more than that, because that is not contributing a great deal.

Mr. GUNACA. Well, sir, that was the main factor.

Mr. KENNEDY. Why weren't the 1,999 other people? They could have done what you did and were doing what you were doing.

Mr. GUNACA. They were all walking the picket line just like I was.

Mr. KENNEDY. What were you doing that was different from everybody else?

(At this point, Senator Goldwater entered the hearing room.)

Mr. GUNACA. Nothing. Only keeping up their morale.

Mr. KENNEDY. What would you say to keep up their morale?

Mr. GUNACA. They knew that by my presence being there, representing a local outside of their town, which was affiliated with the UAW–CIO International, that we were supporting them. That was our main object, to show them that they were being supported by all of labor, not just by their own community.

Mr. KENNEDY. Then they knew that you had come from out of town and you were there as a representative of another local, which would indicate the support of other locals of 833, is that right?

Mr. GUNACA. Yes, sir.

Mr. KENNEDY. You stayed on the picket line during the period of the so-called mass picketing, is that right? Where there was this 1,000, 1,500, or 2,000 pickets?

You stayed in the picket line and worked with the people at that time?

Mr. GUNACA. Mr. Kennedy, I was on the picket line most of the time. Sometimes I was on the picket line for 20 hours at a time.

Mr. KENNEDY. After the mass picketing ended, the end of May, did you remain as a picket then? Did you remain on the picket line, assisting on the picket line?

Mr. GUNACA. No, I did not.

Mr. KENNEDY. What did you do then?

For instance——

Mr. GUNACA. Just a minute, Mr. Kennedy. What you call mass picketing, that was, you say, at the end of May?

Mr. KENNEDY. The end of May. It ended by the end of May?

Mr. GUNACA. Are you sure of those dates?

Mr. KENNEDY. Isn't it the end of May?

Mr. MCGOVERN. Yes.

Mr. KENNEDY. May 29. The picketing continued but the mass picketing ended the 28th of May.

What did you do for the month of June? Did you continue to walk with the pickets?

Mr. GUNACA. Yes, I did.

Mr. KENNEDY. You stayed out there, even after the mass picketing ended?

Mr. GUNACA. Yes, I did.

Mr. KENNEDY. And during this time, your salary and expenses were paid by the union, is that right, by local 212?

Mr. GUNACA. By local 212.

Mr. KENNEDY. On the 4th of July of 1954, at approximately 9:30 in the evening, did you come by a filling station where Mr. William Bersch, Jr., was employed, and was working?

Mr. MARSTON. May I address the Chair, please?

The CHAIRMAN. All right, counsel.

Mr. MARSTON. Mr. Chairman, I wrote a letter last Saturday, addressed to the Chair, suggesting to the Chair that Mr. Gunaca is under indictment from Sheboygan County, in Wisconsin, and requesting the Chair to rule on the basis of past precedents of this committee that questions which pertained to the matters of the indictment be not asked of this witness.

Mr. Chairman, as I understand it, through a——

The CHAIRMAN. Let the Chair get this straight. Do you have a copy of the indictment, so we will know what he is indicted for?

Mr. MARSTON. Yes, sir; I have.

The CHAIRMAN. May I see it?

May I see the indictment so the Chair can determine about it?

(The document was handed to the committee.)

The CHAIRMAN. May I ask, is there more than one indictment?

Mr. MARSTON. No, there is one, may it please the chairman, which had two counts, if you will notice.

The CHAIRMAN. The two you handed me are one and the same, are they?

Mr. MARSTON. No, sir. One is the criminal complaint, and the second one is the warrant.

The CHAIRMAN. The second one is what?

Mr. MARSTON. The warrant.

The CHAIRMAN. The warrant?

Mr. MARSTON. The warrant or the indictment.

The CHAIRMAN. I have in my hand a criminal complaint against John Gunaca, also known as John Prico, John Ballerino, and John Moreski.

Mr. MARSTON. That is the——

The CHAIRMAN. Is that your name?

Mr. MARSTON. Mr. Gunaca has just that name. Those aliases were put in by the authorities in Wisconsin. Where they came from, we can't tell you.

The CHAIRMAN. This indictment reads,—

Count 1, that on the 4th day of July A. D. 1954, at the city of Sheboygan Falls, in said county, said John Gunaca, also known as John Prico, John Ballerino, and John Moreski, did unlawfully, willfully and feloniously assault another, to wit, William Bersch, Jr., with intent to do great bodily harm, contrary to section 341 of the statutes, and against the peace and dignity of the State.

Count 2, that on the 4th day of July A. D. 1954, in the city of Sheboygan Falls, in said county, the said "John Gunaca and so forth," did unlawfully, willfully and feloniously assault another, to wit, William Bersch, Sr., with intent to do great bodily harm.

It appears that he is indicted for a felony, charged with a felony.

(At this point, Senator Mundt entered the hearing room.)

Mr. MARSTON. That is correct, Your Honor.

Senator CURTIS. I do not mean to cut the Chair off, but before the Chair rules, I would like to inquire something of counsel. But I am in no hurry.

The CHAIRMAN. You may proceed.

Senator CURTIS. Were you through with our observation, Mr. Chairman?

The CHAIRMAN. Yes. Go ahead. I might want to ask a question or two.

Senator CURTIS. Mr. Marston, in what State is this indictment pending?

Mr. MARSTON. In the State of Wisconsin, sir, as it indicates on its face.

Senator CURTIS. And is Mr. Gunaca now a resident in or residing there or within the jurisdiction of the authorities of the State of Wisconsin?

Mr. MARSTON. He is not residing there. He is not within their jurisdiction in the sense that his person is there. If he be guilty of this charge, they do have jurisdiction of this charge, and the subject matter of the charge.

Senator CURTIS. Any interrogation that took place here could not prejudice his rights unless he is tried for this offense in the State of Wisconsin, is that true?

Mr. MARSTON. As long as this warrant remains outstanding, sir, in my opinion, his rights are prejudiced. If he were to be asked any questions with respect to the matters covered by the warrant.

Senator CURTIS. I am interested in whether or not we are really putting him in jeopardy, and that is why I am leading up to this question: Do you expect your client to return to Wisconsin for trial?

Mr. MARSTON. My client has repeatedly said, and I wholeheartedly agree with his statements, that he will return to Wisconsin and stand trial at such time as he can be assured reasonably of a fair and impartial hearing. He has offered recently to go to Milwaukee, where he feels that the atmosphere of hostility and tension, which exists in the Sheboygan area is not present. He feels that in that kind of an environment he can have a reasonably impartial and fair hearing. If I may go on, this goes to the essence of the problem which confronts him whenever this matter comes up.

Senator CURTIS. Of course, you know as a lawyer you cannot negotiate jurisdiction or venue, don't you?

Mr. MARSTON. I know as a lawyer, sir, that the prosecutor is not bound, as I understand the law, to have the trial in a particular county. As I understand the law, he can, by agreement, and stipulation, have the matter tried in any county in the State of Wisconsin; any county of Wisconsin has jurisdiction over matters of this kind.

Senator CURTIS. Is it the fact of the matter that he has not gone back?

Mr. MARSTON. No, sir.

Senator CURTIS. Does he have any immediate plans of going back?

Mr. MARSTON. No, sir. I may add from the statements that have been made to both Mr. Gunaca and myself, that it is unfortunately developing that the results of these hearings are further stirring up some of the folks back in Sheboygan, so that the situation is being renewed rather than quieted.

Senator CURTIS. Has anyone testified before the Governor of Michigan to the effect that he cannot have a fair trial in Michigan?

Mr. MARSTON. The Governor of Michigan, to my knowledge, was presented with information such as newspaper headlines, newspaper

articles, portions of proceedings before the Wisconsin Peace Board, portions of proceeding before the National Labor Relations Board. He was presented with a series of affidavits by various parties who had been involved.

Senator CURTIS. Who presented those to him?

Mr. MARSTON. Our office did.

Senator CURTIS. Has he taken the testimony of anyone from the State of Wisconsin under oath that Mr. Gunaca could not have a fair trial?

Mr. MARSTON. My answer to that must be that we have dealt as lawyers with the Governor of the State. We have tried to present matters that we believed to be true to him in an honorable way. I must believe that the Governor accepted them in the spirit in which they were presented to him.

Senator CURTIS. Has the Governor held a formal hearing on the question of extraditing him?

Mr. MARSTON. He had the hearing which is provided under our Michigan statutes in his office.

Senator CURTIS. Was that the meeting that Mr. Bersch talked about?

Mr. MARSTON. I didn't hear Mr. Bersch's testimony in its entirety. I heard a small portion of it on the television screen.

Senator CURTIS. There has been an extradition hearing that the Governor presided over?

Mr. MARSTON. Not to my knowledge. Not in the sense that he conducted a hearing such as we are having here. It is my understanding, and this is a procedure which is followed under our Michigan statutes, that matters with respect to an extradition proceeding are presented to a person designated by the Governor to have these matters presented, and then the Governor examines the information which is presented to him, and acts on the basis of it.

Senator CURTIS. Of course, you put the chairman in a position where he has to give due regard to these precedents of this committee. But my own personal feeling is that your request is not made in good faith, because you don't expect him to go back to Wisconsin and you do not expect Governor Williams to send him back there.

Mr. MARSTON. I am sorry that you feel that way about it, sir.

Senator CURTIS. It is purely an academic question, and he does not expect to submit himself to the jurisdiction of the Wisconsin authorities.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. Since the counsel has answered these questions, I might as well address them to him, although if he prefers, I will address them to his client. I want to get this cleared up in my own mind. I think you said that either you or your client or both agreed that if the trial was to be held in the city of Milwaukee, you would be willing to have him go back and stand trial. Am I correct in that?

Mr. MARSTON. That is correct, except that it is not entirely accurate, Senator.

Senator MUNDT. I don't want to misquote you. That was my understanding. If you will straighten me out, if I have been inaccurate, you may.

Mr. MARSTON. If I may add this, what we said was that we would be willing to go back to be tried at a place like Milwaukee, not specifically that place alone.

Senator MUNDT. That leads right into what I was going to ask you. Is it your position or the position of your client that you will go back and stand trial in any county other than Sheboygan County where these feelings run high and where the strike occurred? You are willing for him to go back to any other county, or is your stipulation that it must be Milwaukee County?

Mr. MARSTON. No, it is not that; it is Milwaukee County.

Senator MUNDT. Then do I have it from you that he is willing to go back to any other county except Sheboygan County?

Mr. MARSTON. No, sir.

Senator MUNDT. Will you indicate what you mean? You say Milwaukee is not the only county that he will appear in. Sheboygan County is not the only county which he resists appearing in. That leaves a lot of latitude. I suppose there are some 70 or 80 counties in Wisconsin.

Will you illuminate the record by indicating just where you would be willing to have him stand trial other than Milwaukee County?

Mr. MARSTON. We indicated that we would be willing to stand trial in any county where we felt there would be an impartial atmosphere. We do not feel, as you are suggesting, Senator, that there could be an impartial atmosphere in the area adjoining Sheboygan.

Senator MUNDT. Very well. Let me rephrase my question. Do I understand then, that you are willing to have Mr. Gunaca go back and stand trial in any county which is neither Sheboygan County nor in a county adjacent and contiguous thereto?

Mr. MARSTON. I am sorry. I do not quite understand your question.

Senator MUNDT. Are you willing to have Mr. Gunaca go back to Wisconsin and stand trial in any other Wisconsin county other than Sheboygan or some county contiguous thereto?

Mr. MARSTON. Well, I don't know, Senator; until presented with a problem specifically like that, I don't know.

Senator MUNDT. I am presenting the problem because this committee is trying to find out whether you are acting, or your client is acting, in good faith in leading this double jeopardy business. We are trying to find out to clear the record. I am asking these questions in all sincerity.

Mr. MARSTON. As I understand Mr. Gunaca's position, he is willing to go back to Wisconsin and waive extradition proceedings if he can be tried at a place where he can get an impartial trial, like Milwaukee. That is the suggestion he made.

You understand, Senator, if I may finish, that he must someday return to Wisconsin for trial; willy-nilly, this must happen.

Senator MUNDT. Why do you say that?

Mr. MARSTON. The law requires it. The warrant is outstanding. Until such time as the Wisconsin authorities quash the warrant or abandon the warrant, he must, as long as that warrant exists, someday be tried for it.

Senator MUNDT. How are you going to get away from the fact that Governor Williams refused to extradite him?

Mr. MARSTON. We have not asked Governor Williams to refuse to extradite him. We have asked him to defer the extradition until such time as this man can get a fair trial.

Senator MUNDT. Your understanding with the Governor at Michigan is such that that fair trial can be secured only in Milwaukee County or does it include other counties and, if so, which ones?

Mr. MARSTON. Mr. Senator, we have not discussed this with the Governor at all.

Senator MUNDT. There are a lot of counties in Wisconsin and I can understand perfectly why you would not want him to be tried at the scene of the crime. There is nothing unusual about that. I will grant that there might be counties in the immediate area adjacent to Sheboygan County where you could reasonably believe that perhaps you could not get people far enough removed from the scene to be objective in their approach, but I am curious about why you keep insisting on Milwaukee, and I am especially curious in view of your client's previous career as a campaigner for judges.

I do not know whether he has been doing some campaigning for judges in Milwaukee through the PAC, and why they singled that one out, or what the reason is. But in view of the testimony this morning, I am trying to find out whether there are any nonmetropolitan communities in Wisconsin where you would be willing to have your client stand trial.

Mr. MARSTON. I am sure, Mr. Senator, that if Mr. Weber, in whose hands this prosecution responsibility rests would, in good faith, undertake with me to determine a place outside of the Sheboygan area for the trial of this matter, that he and I, as lawyers, could find a place where Mr. Gunaca could be tried without the hostility and the venom that exists in the relationships of the people in Sheboygan.

Senator MUNDT. Well, that would certainly be a manifestation of good faith in connection with your point of order to the Chair and I certainly sustain the Chair in his attitude on that, being in conformity with the precedents of our committee. It is a little bit unusual, of course, to make that plea if you do not expect your client ever to stand trial.

Mr. MARSTON. I expect that he shall stand trial, sir.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Mr. Chairman, before you make your ruling, I wonder if we could have the question that caused the counsel to ask for the ruling read again.

The CHAIRMAN. Well, it was in substance, was he at a filling station on the night of July 4, 1954 about 9:30 p. m. That was the substance of the question: am I right? You may have the reporter read the question back, if you wish.

Senator GOLDWATER. I believe that, in substance, was what it was.

Before the chairman rules, I would like to read from the official report of proceedings before the National Labor Relations Board, docket 13–CA–1780. This is on page 19210:

TRIAL EXAMINER. Let's await the next question and see.

Question by Mr. Conger. Were you in a car with Mr. Beirsh and one other person in the city of Sheboygan Falls with Mr.—excuse me; not Mr. Beirsh, Mr. Vrekovic and one other person in the city of Sheboygan Falls on the evening of July 4, 1954?

Answer. No, sir.
Question. Were you in a car with Mr. Vrekovic at all on the evening of July 4, 1954?
Answer. No, sir.
Question. Did you stop at any filling station in the city of Sheboygan Falls on July 4, 1954?
Mr. RABINOWITZ. I object. It is irrelevant and immaterial to the issue in this proceeding.
TRIAL EXAMINER. May I hear the question?
(The question was read.)
TRIAL EXAMINER. Overruled.
The WITNESS. No, sir.
Question by Mr. Conger: Where were you on the evening of July 4, 1954?
Answer. In the strike kitchen.
Question. Did you leave the strike kitchen at any time?
Answer. To go back to my hotel room.
Question. Did you go to the city of Sheboygan Falls at any time on the evening of July 4, 1954?
Answer. No, sir.
Question. Were you riding in a car with Mr. Vrekovic at any time during the evening of July 4, 1954?
Answer. No, sir.
Question. Now, when did you leave Sheboygan and return to Detroit?
Answer. Sometime in July.
Question. Actually on July 5: was it not?
Answer. That I don't know.
Question. Didn't you check out of the Grant Hotel at Sheboygan shortly after noon on July 5?
Answer. I can't answer that. I don't remember that.
Question. Well, now, why did you leave Sheboygan and return to Detroit?
Answer. I felt that I wanted to get back home.
Question. Was your interest in the strike over?
Mr. RABINOWITZ. Objection as immaterial and irrelevant.
TRIAL EXAMINER. Overruled.
The WITNESS. No; my interest in the strike was not over.
Question by Mr. Conger: Did you receive any instructions or suggestions from local 212 that you return to Detroit?
Answer. I don't remember any.
Question. Did you receive any instructions or suggestions from Mr. Burkhart that you return to Detroit?
Question. Did you receive any instructions or suggestions from Mr. Rand that you return to Detroit?
Answer. No; I did not.
Question. Did you receive any instructions or suggestions from Mr. Grasskamp or Mr. Konec that you return to Detroit?
Answer. No; I did not.
Question. Did you receive any suggestions from Mr. Vrekovic that you return to Detroit?
Answer. No; I did not.
Question. When did you report to local 212 that you were returning to Detroit?
Answer. When I got back to Detroit.

Now, Mr. Chairman, I read those questions and answers to point out that substantially the same questions were asked during the NLRB hearings as have been indicated might be asked in this hearing and that the witness answered these questions.

In fact, he answered in effect the question that the counsel is objecting to. I will read again from page 19215:

Question. Did you stop at any filling station in the city of Sheboygan Falls on July 4, 1954?
Mr. RABINOWITZ. I object. It is irrelevant and immaterial to the issue in this proceeding.
TRIAL EXAMINER. May I hear the question?
(The question was read.)

The trial examiner overruled the objection of Mr. Rabinowitz. I merely read that, Mr. Chairman so that the chairman might know that the same objections have been raised before, before a hearing, and that there was a ruling made in those instances and, in effect, the witness has answered the very question, substantially the very question, that has been put to him by counsel at the present time.

While I am not a lawyer and I will rely upon the legal knowledge of the counsel, it seems to me that precedent to some extent has been established in this question.

The CHAIRMAN. The Chair will make this observation:

It may be true that the witness did appear before the National Labor Relations Board hearing examiner and may have testified. This witness, however, is charged with a felony. He could not be called on the witness stand in that trial against his wishes. He could not be required to testify against himself.

Early in the course of these hearings the Chair rules that those who came before us under indictment would not be interrogated regarding the subject matter of the indictment. To be consistent with that ruling, the Chair will have to sustain the objection or the point of order with respect only to what actually occurred there at the filling station.

That is the position the Chair will have to take unless I am overruled. I think I am ruling according to law.

Mr. MARSTON. Thank you, sir.

The CHAIRMAN. He can appear one time and testify if he wants to, and the next time he does not have to testify if he does not want to. You can try him today on his charge and he can appear and testify if he wants to, but the court cannot even require him to take the witness stand; am I right?

Senator CURTIS. Mr. Chairman——

The CHAIRMAN. I would like to proceed a moment, if you would permit me to do so.

Mr. Bersch, will you come around, please?

TESTIMONY OF WILLIAM BERSCH, JR.—Resumed

The CHAIRMAN. You testified here this morning; did you?

Mr. BERSCH. Yes, sir.

The CHAIRMAN. You testified that you were beaten up while you had a filling station?

Mr. BERSCH. Yes, sir.

The CHAIRMAN. Is that correct?

Mr. BERSCH. That is right.

The CHAIRMAN. You testified that you knew one of the men who participated in that; didn't you?

Mr. BERSCH. That is right.

The CHAIRMAN. Who is he?

Mr. BERSCH. Nick Vrckovic.

The CHAIRMAN. Who else?

Mr. BERSCH. This man here, John Gunaca.

The CHAIRMAN. The one sitting there is the one who helped beat you up?

Mr. BERSCH. That is the one who hit me.

The CHAIRMAN. The one who hit you, the man sitting there?

Mr. BERSCH. Yes, sir.
The CHAIRMAN. Do you know whether he beat your father or not?
Mr. BERSCH. That I couldn't say.
The CHAIRMAN. But he was with the other two when your father got the beating?
Mr. BERSCH. That is right.
The CHAIRMAN. And he hit you before your father was struck?
Mr. BERSCH. Yes, sir.
The CHAIRMAN. All right. Are there any questions?
You couldn't be mistaken now about this party being there?
Mr. BERSCH. No, sir; I couldn't.
The CHAIRMAN. You know he was there?
Mr. BERSCH. Yes, sir.
The CHAIRMAN. You felt the effect of the blow?
Mr. BERSCH. Yes, sir.
The CHAIRMAN. And he knocked you down; did he?
Mr. BERSCH. He knocked me down; yes, sir.
The CHAIRMAN. O. K.
Senator CURTIS. My questions are to Mr. Gunaca.
The CHAIRMAN. Thank you very much.

TESTIMONY OF JOHN GUNACA, ACCOMPANIED BY D. CHARLES MARSTON, DETROIT, MICH., COUNSEL—Resumed

Senator CURTIS. Mr. Gunaca, you heard this testimony that was read by Senator Goldwater; did you?
Mr. GUNACA. Yes; I did.
Senator CURTIS. Were you under oath when you gave that testimony?
Mr. GUNACA. I believe I was.
Senator CURTIS. Was that after you were indicted in the State of Wisconsin?
Mr. GUNACA. Yes; it was.
Senator CURTIS. Were the answers that you gave and as read back, were they correct and true?
Mr. MARSTON. Mr. Chairman, may I be heard, Mr. Chairman.
The CHAIRMAN. I beg your pardon?
Mr. MARSTON. There is a question which has been asked.
The CHAIRMAN. What is the question? I am sorry, my attention was directed elsewhere.
Mr. MARSTON. It is an indirect way of asking the direct question.
The CHAIRMAN. What is the question.
Senator CURTIS. I asked him if he had heard the testimony that was read by Senator Goldwater. He replied he had. I asked him if he was under oath, and he said that he was. I asked him if that took place after his indictment in Wisconsin, and then I asked him if his answers in that testimony were correct and true.
Mr. MARSTON. It is an indirect way of asking the direct question. Mr. Gunaca does not wish to testify with respect to matters arising from the indictment. He is asking the Chair to follow the precedent which has been established.
The CHAIRMAN. I am not going to ask him questions about what actually happened there at the time. But when he goes off subsequently

and makes a statement after it is over, I think that he can be required to answer whether he made such statements.

Mr. MARSTON. He said that he did, your Honor. He said that he made the statements.

The CHAIRMAN. He said he made the statements?

Mr. MARSTON. I think so.

The CHAIRMAN. All right.

Senator CURTIS. I didn't get the ruling.

The CHAIRMAN. I understood that he made these statements.

Senator CURTIS. Now, Mr. Gunaca, where did you live when you went to Wisconsin in 1954?

Mr. GUNACA. Where did I live in Wisconsin?

Senator CURTIS. Yes.

Mr. GUNACA. I lived at the Grand Hotel.

Senator CURTIS. Where is that located?

Mr. GUNACA. I believe the main street is Eighth Street, and it is the direct street that it is on. I don't remember this.

Senator CURTIS. What city is it in?

Mr. GUNACA. Sheboygan.

Senator CURTIS. Sheboygan?

Mr. GUNACA. Yes.

Senator CURTIS. Now, did any other representatives of the union who were there in connection with the strike live at the Grand Hotel?

Mr. GUNACA. Yes, sir.

Senator CURTIS. Who lived there?

Mr. GUNACA. Myself, James Feori, Guy Barber, Bill Vinson, Boyce Land, and Don Rand, I believe. I believe he lived there, too, but I don't know that offhand.

Senator CURTIS. Did Mr. Mazey live there when he was in town?

Mr. GUNACA. No, sir. When he was in town, he might have stayed there.

Senator CURTIS. Did you take your meals there?

Mr. GUNACA. Quite often.

Senator CURTIS. Now, who paid your hotel bills?

Mr. GUNACA. I paid them, sir.

Senator CURTIS. You paid it yourself?

Mr. GUNACA. Yes.

Senator CURTIS. Was Jesse Ferrazza there? Did he live at this hotel?

Mr. GUNACA. I believe he did, but I couldn't swear to it.

Senator CURTIS. But Donald Rand did?

Mr. GUNACA. I stated that I thought he did, but I didn't know for sure.

Senator CURTIS. Did Ray Majerus live there?

Mr. GUNACA. No, I don't believe so.

Senator CURTIS. Did Joseph Burns live there when he was in Sheboygan?

Mr. GUNACA. Mr. Burns did, I believe.

Senator CURTIS. And Frank Stallons, did he live there when he would be over there?

Mr. GUNACA. The name is not familiar to me, sir.

Senator CURTIS. And Dan Prested, do you know him?

Mr. GUNACA. I might, if I saw him, but it has been a long time.

Senator CURTIS. Did he live there at the Grand Hotel?

Mr. GUNACA. That, sir, I don't know, because I don't remember the person.

Senator CURTIS. But James Fiore lived there, did he?

Mr. GUNACA. Yes, sir.

Senator CURTIS. Did Clayton Carpenter live there?

Mr. GUNACA. Senator, you are bringing up names of people that I have seen, and I might recognize them, but by name I do not know.

Senator CURTIS. You don't place Carpenter?

Mr. GUNACA. Not right offhand, no, sir.

Senator CURTIS. Did Harvey Kitzman stay at the Grand Hotel?

Mr. GUNACA. I believe he stayed between there and the Foeste there.

Senator CURTIS. What is that?

Mr. GUNACA. There are only two hotels there.

Senator CURTIS. Do you know Frank Sahorske?

Mr. GUNACA. I believer, if I remember correctly, that he was assistant to Mr. Kitzman.

Senator CURTIS. Did he stay at the hotel, at the Grand Hotel?

Mr. GUNACA. Between the two.

Senator CURTIS. And I believe you testified Boyce Land stayed there?

Mr. GUNACA. Yes, sir.

Senator CURTIS. How about Frank Wallich?

Mr. GUNACA. No, I don't think Frank Wallich stayed there. He was the commentator, wasn't he?

Senator CURTIS. I don't know who he is. But Guy Barber stayed there?

Mr. GUNACA. Yes, sir, he did.

Senator CURTIS. Now, how far is that place from the Kohler plant?

Mr. GUNACA. I would say approximately about 3 to 4 miles.

Senator CURTIS. How would you get back and forth from the hotel to the Kohler plant?

Mr. GUNACA. We had a sound truck down there from our local, and there were cars down there, and Boyce Land had his car down there.

Senator CURTIS. What kind of a car did he have?

Mr. GUNACA. It was a late model or an older model car, and the type, I don't know. I don't remember what type.

Senator CURTIS. You didn't have a car there?

Mr. GUNACA. No, sir, I did not.

Senator CURTIS. Who else had a car besides Boyce Land?

Mr. GUNACA. Bill Vinson.

Senator CURTIS. Do you know this man named Vrckovic?

Mr. GUNACA. Yes, I do.

Senator CURTIS. How long have you known him?

Mr. GUNACA. Since I was down there in Sheboygan. I met him on the picket line in Kohler.

Senator CURTIS. In what city did he live?

Mr. GUNACA. I believe he lived in Sheboygan, the city of Sheboygan.

Senator CURTIS. Were you ever in his home?

Mr. GUNACA. Yes, I have been. I met his mother.

Senator CURTIS. Have you ever had a meal with him either at his home or elsewhere?

Mr. GUNACA. I have had meals with several of the strikers families.

Senator CURTIS. I am talking about this man Vrckovic, or whatever it is.

Mr. GUNACA. No, I don't believe that I ever had a meal over at his home.

Senator CURTIS. I didn't say at his home, but have you eaten a meal with him any place?

Mr. GUNACA. Yes, sir.

Senator CURTIS. More than one?

Mr. GUNACA. I would say so.

Senator CURTIS. So you knew him pretty well?

Mr. GUNACA. Well, I don't know what you mean by "pretty well."

Senator CURTIS. You had been around the strike with him, and you had taken some meals together, and you had been in his home, is that correct?

Mr. GUNACA. Well, also, I have been to the strike kitchen with several of the pickets, and other people.

Senator CURTIS. Have you been in his home more than once?

Mr. GUNACA. I don't believe so.

Senator CURTIS. What was the occasion you were there this once?

Mr. GUNACA. That I don't know how to answer, because I couldn't remember what the occasion was. I was to his home, and I don't remember that.

Senator CURTIS. How did you get to his home?

Mr. GUNACA. I don't remember if he drove me there, or if some of the strikers drove me there, or who. I don't remember that.

Senator CURTIS. But he has driven you in his car at times, or hasn't he?

Mr. GUNACA. Yes, he has driven me in his car.

Senator CURTIS. What kind of a car does he have?

Mr. MARSTON. Mr. Chairman, the question has been asked as to the kind of a car that Mr. Vrckovic had, and the car that is alleged to have been at the scene of this gas station on July 4.

The CHAIRMAN. He has been asked the question, what kind of a car.

Senator CURTIS. He has testified that he has visited in the home of Mr. Vrckovic, that they saw each other about the strike, and that they had had meals together, and that he had ridden in his car, and that he might have ridden in Mr. Vrckovic's car when he went out to his home. He doesn't remember that.

I asked him the simple question, what kind of a car does Mr. Vrckovic have.

The CHAIRMAN. I see no objection to that question. If he knows, he may answer. People ride around in cars all of the time.

Mr. GUNACA. Well, I believe it was a Buick.

Senator CURTIS. Is it a light tan one?

Mr. GUNACA. I don't remember the color, sir.

Senator CURTIS. Well, now, as a matter of fact, you know it is a 1953 light tan Buick, don't you?

Mr. GUNACA. No, sir; I don't.

Senator CURTIS. What model would you say it was?

Mr. GUNACA. I would not want to express my opinion about it.

Senator CURTIS. But it is a Buick?

Mr. GUNACA. I believe that is what it was.

Senator CURTIS. Was it a 2-door or 4-door?

Mr. GUNACA. I don't remember that.

Senator CURTIS. When you rode with him, did you ride in the front seat with him, or did you ride in the back?

Mr. GUNACA. You are trying to ask me something and the only way I can answer it is this way, Senator: Several times somebody would have to go somewhere to pick somebody up at the airport, or drive them to Milwaukee or something of that sort, and whose car they went in, it did not make any difference. It was whoever was there first.

Senator CURTIS. Well, now——

Mr. GUNACA. Whether I sat in the back of Mr. Vrckovic's car or not, I can't testify because a lot of times we went in the sound truck, where there were 3 or 4 of us in the car.

Senator CURTIS. But you did ride with Mr. Vrckovic more than once or twice, didn't you, in his car?

Mr. GUNACA. I would say yes.

Senator CURTIS. And it was a Buick?

Mr. GUNACA. I think it was, sir.

Senator CURTIS. Now, what activity at the scene of the strike would be carried on on Sunday?

Mr. GUNACA. At the scene of the strike?

Senator CURTIS. Yes.

Mr. GUNACA. At the Kohler plant itself?

Senator CURTIS. Yes.

Mr. GUNACA. Well, we maintained the picket line there, 7 days a week.

Senator CURTIS. Seven days a week?

Mr. GUNACA. Yes, sir.

Senator CURTIS. Now, you were in Sheboygan on July 4, 1954?

Mr. GUNACA. Pardon me.

Senator CURTIS. You were in Sheboygan on July 4, 1954?

Mr. MARSTON. Mr. Chairman, it seems to me that this is getting into the area of the indictment again, inquiring into his activities on July 4, 1954.

Senator CURTIS. I will limit my question to this: Were you in Sheboygan on the morning of July 4, 1954?

Mr. MARSTON. It is the same situation, may it please the Chair.

The CHAIRMAN. Let the Chair see if he can ask a question. When did you first arrive in Sheboygan?

Mr. GUNACA. The first day I arrived in Sheboygan, Mr. Chairman, was either the 9th or 10th of April of 1954.

The CHAIRMAN. When did you leave Sheboygan?

Mr. GUNACA. I am almost positive, I would not swear, but I believe it was on the 6th or 7th day of July 1954.

The CHAIRMAN. You were there in between those dates?

Mr. GUNACA. Yes, sir.

The CHAIRMAN. All right.

Senator CURTIS. Now, Mr. Chairman, it was established by the witness Bersch that this offense at the filling station, regardless of who perpetrated it, took place around 9:30 in the evening. I asked him at length how he fixed the time, and he was sure that it was 9:20 or 9:30.

The witness has testified that in the strike activity they maintained their picket line 7 days a week and on Sunday. I have asked him if he was in Sheboygan on the morning of July 4. I think that he ought to answer.

Mr. MARSTON. Mr. Chairman, may I speak on this?

The CHAIRMAN. Well, briefly.

Mr. MARSTON. The Chair has ruled in accordance with the practice of prior cases that no interrogation with respect to a matter under indictment would be directed to the witness.

I think that the Chair made the ruling in good faith and I submit that the Senators on the Republican side of the Chair should adhere to that with meticulousness, may it please the Chair, not coming close or as close as they can without violating the Chair's order.

The spirit, it seems to me, of the Chair's ruling is one based upon fair play. That is all this man is asking, may it please the Chair.

The CHAIRMAN. Well, the offense according to the testimony, occurred about 9:30 that night. I have asked the witness what time he arrived in Sheboygan and when he left. He said that he was there all of the time in between those dates.

Now, I see no big point in it either way, as to whether he answers again that he was there that morning. According to the testimony, he admitted that he was there all of the time in between those dates, and so I don't see that it does any violence either way.

Mr. MARSTON. Except, Mr. Chairman, that the question itself is probably a beginning of a line of questions which will try to narrow the time and place.

The CHAIRMAN. The Chair is going to require him to answer that, and we are not going to ask him any questions about the rest of the day. Answer the question.

Mr. GUNACA. May I have the question back, please?

The CHAIRMAN. The question is whether you were in Sheboygan on the morning of July 4, 1954. Is that the question?

Senator CURTIS. That is the question, and so far as I know there was no crime alleged in Sheboygan. I haven't asked him a word about Sheboygan Falls where this offense was supposed to have taken place. I have asked him if he was in Sheboygan on the morning of July 4.

Mr. GUNACA. Does the Chair require me to answer?

The CHAIRMAN. You may answer the question.

Mr. GUNACA. Yes; I was.

Senator CURTIS. What time did you get up?

Mr. GUNACA. Mr. Senator, I cannot answer that. I don't know what time I got up.

Senator CURTIS. Who did you spend the morning with?

Mr. GUNACA. That I don't remember either.

Senator CURTIS. Did you see Mr. Vrckovic on the morning of July 4, 1954?

Mr. GUNACA. No, sir; I don't believe I did.

Senator CURTIS. Did you see anyone that you recall?

Mr. GUNACA. Only the ones that were living right there at the hotel with me.

Senator CURTIS. You say those union men who were living at the hotel?

Mr. GUNACA. Yes, sir.

Senator CURTIS. Did you go out for a ride with any of them?

Mr. MARSTON. Mr. Chairman, may I again plead for the Chair's ruling?

The CHAIRMAN. I am limiting these questions to that morning. I am not going into the afternoon. I am going to protect this man's right. I feel like I have ruled correctly on it. It is not my pleasure to rule that way, I assure you.

I would like to require him to talk. I think he should. But he is under indictment, and I have to defer to what I believe the principles of law are that apply to him in his situation in the case. So anything he wants to ask him—I have to cut it off somewhere—anything he wants to ask him up to noon that day, he will be required to answer.

Mr. GUNACA. Your question, Senator?

Senator CURTIS. During that morning, were you riding with any of the men, any of the union men, that stayed at that hotel?

Mr. GUNACA. I believe I got up and I took the sound truck myself and went to the strike kitchen.

Senator CURTIS. Did you stay there all morning?

Mr. GUNACA. I do not remember if I did or not, sir.

Senator CURTIS. Have you ever been in Sheboygan Falls, Wis.?

Mr. MARSTON. Mr. Senator? Mr. Chairman, this again, goes to the ruling of the Chair.

The CHAIRMAN. I do not know where Sheboygan Falls is. I am all confused. Is there a Sheboygan Falls and a Sheboygan?

Senator CURTIS. Yes; they are right close together, I think.

The CHAIRMAN. They are two different towns?

Mr. MARSTON. Sheboygan Falls is supposed to be the location of the assault, which is the subject of the indictment.

The CHAIRMAN. He has asked him the question of whether he ever was in Sheboygan Falls, and I think he can answer that yes or no. I am not going to go beyond noon of that day.

Mr. GUNACA. I have been in Sheboygan Falls on different occasions.

Senator CURTIS. Were you ever in a filling station located on Fondulac Avenue, a Shell filling station on Fondulac Avenue in Sheboygan Falls?

The CHAIRMAN. The Chair holds that question is improper.

Mr. GUNACA. Thank you, Mr. Chairman.

Senator CURTIS. When did you leave Wisconsin?

Mr. GUNACA. I stated, Mr. Senator, that I believe it was on the 6th or 7th of July, 1954.

Senator CURTIS. The 6th would be on Tuesday, would it not? The 4th was on Sunday

Mr. GUNACA. You got a better recollection of the days than I do.

Senator CURTIS. It was on the 6th or 7th. What kind of transportation did you use to go—where did you go from Wisconsin?

Mr. GUNACA. When I left Sheboygan?

Senator CURTIS. Yes, or that general area.

Mr. GUNACA. I went to Detroit.

Senator CURTIS. What means of transportation did you use?

Mr. GUNACA. Bill Vinson and I drove in Bill Vinson's automobile.

Senator CURTIS. Where did he pick you up?

Mr. GUNACA. Mr. Senator, we both left together from the same hotel, the Grand Hotel.

Senator CURTIS. What time of day did you leave?

Mr. GUNACA. Pardon?

Senator CURTIS. What time of day did you leave?

Mr. GUNACA. I believe it was in the afternoon, because if I remember correctly, that day Mr. Vinson had his arraignment in court in the city of Sheboygan and we went to court and I went with him, until he got arraigned, and then we decided that we were going to leave that day, that day or the next day. I don't remember if we left the same day or not.

Senator CURTIS. You packed all of your things and checked out of the hotel?

Mr. GUNACA. After we came back from the courthouse, yes, sir.

Senator CURTIS. About how much of a drive is it from there up to Detroit; just a rough estimate?

Mr. GUNACA. About 400 miles, I imagine; somewhere around there.

Senator CURTIS. Did you drive straight through or did you stay overnight some place, enroute?

Mr. GUNACA. I believe we drove right through.

Senator CURTIS. Do you remember what time of day or night you arrived in Detroit?

Mr. GUNACA. No, sir; I do not. I believe it was late at night or early in the morning. I am not positive of it. There is no way I have any proof of it because I did not have no ticket or anything for passage.

Senator CURTIS. Did you see Vrekovic the day you left Wisconsin?

Mr. GUNACA. No, sir; I don't believe I did, unless he was in the courtroom at the time, and I didn't see him. He might have been there, too. I don't know. I don't remember if I seen him or not.

Senator CURTIS. What courtroom was that?

Mr. GUNACA. It was the courthouse in the city of Sheboygan.

Senator CURTIS. Was it Judge Schlichting's court?

Mr. GUNACA. I believe it was, sir. Again, I am not positive, but I believe that it was.

(At this point, Senator McNamara entered the hearing room.)

Senator CURTIS. Were you a witness or some participant in the court?

Mr. GUNACA. No, sir; I never was a witness.

Senator CURTIS. Was that a hearing in connection with Mr. Vinson?

Mr. GUNACA. That was Mr. Vinson's arraignment, from what I remember.

Senator CURTIS. Which one of his arraignments? The one for what?

Mr. GUNACA. I was only aware that he only had one arraignment.

Senator CURTIS. What was he charged with?

Mr. GUNACA. With assault.

Senator CURTIS. Against whom?

Mr. GUNACA. The person or persons' name I don't know.

Senator CURTIS. Was it Mr. van Ouwerkerk?

Mr. GUNACA. I don't remember. I only know from what I read in the paper about it and the name does not mean nothing to me.

Senator CURTIS. And Vrekovic might have been there?

Mr. GUNACA. Senator, you are really murdering that poor man's name.

Senator CURTIS. Well, I do not know. Sometimes I have been critical of people wo have come in here and who have had a lot of aliases, but if he did, I would appreciate it. If he would change his name to Smith or something that I can spell, it would be all right. Was he in the courtroom?

Mr. GUNACA. In what courtroom, sir?

Senator CURTIS. This one on the 5th or 6th, whatever day it was.

Mr. GUNACA. Like I stated before, I don't remember if he was. He could have been in there, but I don't remember seeing him. I could have seen him. I don't know. I don't remember that I have seen him though.

Senator CURTIS. Another witness has fixed the date of the Vinson arraignment or hearing as July 6. Did you see this gentleman, whose name I cannot pronounce, on the 5th?

Mr. GUNACA. I don't know. I don't remember. I don't remember if I did or not, Mr. Senator.

Senator CURTIS. Are you pretty sure that you did not have a conversation with him at any time on July 5, 6, or 7?

Mr. GUNACA. No; I wouldn't swear to that. I am under oath. I can't swear to that.

Senator CURTIS. You might have?

Mr. GUNACA. I could have had, but I don't remember if I did or not.

Senator CURTIS. Aren't you quite sure you did?

Mr. GUNACA. No, sir; I am not. I have talked to a lot of people during the course of the day and I don't remember if I had a specific conversation with Mr. Vrekovic or not.

Senator CURTIS. Did you have an occasion to hire a lawyer anytime you were in Wisconsin?

Mr. GUNACA. No, sir; I did not.

Senator CURTIS. You did not consult with one?

Mr. GUNACA. Pardon?

Senator CURTIS. You did not consult with any lawyer while you were there in Wisconsin?

Mr. GUNACA. I had no occasion to.

Senator CURTIS. I said, Did you?

Mr. GUNACA. No; I did not.

Senator CURTIS. That is all, Mr. Chairman.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. This morning before I was called away just near the end of the morning session, I was discussing with the witness the rather casual arrangements that the witness had in Sheboygan and the fact that nobody ever told him what to do, according to his testimony, but that he just had to volunteer his efforts on the picket line or in the strike kitchen, wherever it was.

I think we ought to have for the record how much you were paid for this rather indifferent assignment that you had. How much did you draw as income per week or per month or in toto, while you were in Sheboygan, however you want to give it to us?

Mr. GUNACA. Well, Senator Mundt, to the best of my recollection I was getting in the neighborhood of $80 or $100 a week salary plus expenses, and I believe the expenses was $7 a day.

Senator MUNDT. Plus your hotel?

Mr. GUNACA. No, sir. I paid my own hotel out of the expense that I was allowed.

Senator MUNDT. $80 a week, roughly, plus $7 per day expenses?

Mr. GUNACA. Yes, sir.

Senator MUNDT. Did you pay your own transportation to Sheboygan or was that picked up for you by someone?

Mr. GUNACA. I was given $50 when I came to Sheboygan.

Senator MUNDT. You were given $50 before you got to Sheboygan or when you got there?

Mr. GUNACA. Before I came.

Senator MUNDT. Who gave you the $50?

Mr. GUNACA. Mr. Whitey Kaye, a member of local 212.

Senator MUNDT. Who?

Mr. GUNACA. Frank Kaye.

Senator MUNDT. Frank Kaye?

Mr. GUNACA. Yes.

Senator MUNDT. He was the secretary-treasurer of that local?

Mr. GUNACA. No, sir.

Senator MUNDT. He was president of the local?

Mr. GUNACA. No, sir.

Senator MUNDT. Business manager of the local?

Mr. GUNACA. No, sir.

Senator MUNDT. What job did he have in the local?

Mr. GUNACA. He was chairman of a shop committee of the Mack Avenue plant of local 212 of Chrysler Corp.

Senator MUNDT. He was not the man who asked you to go? Mr. Kaye asked you to go, I believe.

Mr. GUNACA. Pardon?

Senator MUNDT. Was he the man who asked you to go to Sheboygan?

Mr. GUNACA. He asked me if I wanted to go.

Senator MUNDT. Mr. Frank Kaye did?

Mr. GUNACA. Yes.

Senator MUNDT. And you said yes and he paid you the $50?

Mr. GUNACA. Yes, sir.

Senator MUNDT. Who signed your checks for the $80 per week? Where did you get that money?

Mr. GUNACA. I got it from local 212.

Senator MUNDT. From the same Mr. Frank Kaye?

Mr. GUNACA. No, sir.

Senator MUNDT. Who signed those?

Mr. GUNACA. The president of the local and the financial secretary.

Senator MUNDT. What is his name?

Mr. GUNACA. The president at the time was Ken Morris, and the financial secretary was Steve Despot.

Senator MUNDT. I have one other question. You testified and I do not know the full details but some place this morning it runs in my mind you testified that sometimes you are known by the name of—is it Frank Gunace?

Mr. GUNACA. My first name is John, sir.

Senator MUNDT. John Gunaca, and sometimes you are known by the name of Jack Dempsey, sir?

Mr. GUNACA. John Dempsey, sir.

Senator MUNDT. John Dempsey and John Gunaca. Have you gone by any other assumed names besides John Dempsey?

Mr. GUNACA. No, sir. I would like to point out to you, Senator, that legally it is supposed to be an alias but I don't consider it an alias because that handle was put on me when I was born, by my father.

Senator MUNDT. What was that?

Mr. GUNACA. The name "Dempsey."

Senator MUNDT. Is your middle name Dempsey?

Mr. GUNACA. No, sir.

Senator MUNDT. What is your legal name? Is your legal name John Dempsey?

Mr. GUNACA. John Gunaca.

Senator MUNDT. What is that?

Mr. GUNACA. John Gunaca.

Senator MUNDT. John Gunaca?

Mr. GUNACA. Yes, sir.

Senator MUNDT. Have you ever had a social-security card issued to you under the name of John Gunaca?

Mr. GUNACA. Yes, sir.

Senator MUNDT. While working with Chrysler?

Mr. GUNACA. Yes, sir.

Senator MUNDT. Do you still pay social-security taxes?

Mr. GUNACA. Indeed I do, sir.

Senator MUNDT. You now work for some bar, did I understand you to say?

Mr. GUNACA. Yes; I do, sir.

Senator MUNDT. And are your social-security taxes paid in the name of John Gunaca or John Dempsey?

Mr. GUNACA. John Gunaca.

Senator MUNDT. Have you ever applied for a social-security card under the name of John Dempsey?

Mr. GUNACA. No, sir.

Senator MUNDT. So John Dempsey is simply a name that you assume for use as a barkeeper?

Mr. GUNACA. As a what, sir?

Senator MUNDT. As a barkeeper?

Mr. GUNACA. No, sir; I explained it to you. That name——

Senator MUNDT. If you did, you did it in my absence.

Mr. GUNACA. I just explained it to you.

Senator MUNDT. You said your father called you John Dempsey?

Mr. GUNACA. No, sir. Somebody hung it on my father, and through the years the people that I was born and raised with, that is the only name they have ever called me. They have always said Dempsey's son. They have never said Mr. Gunaca's son or that is John Gunaca. They always said, "That is John Dempsey."

Senator MUNDT. Can you clarify the record? At what point in your career did you cease being John Gunaca and become known as John Dempsey?

Mr. GUNACA. I never did, sir.

Senator MUNDT. You never were known as John Dempsey?

Mr. GUNACA. I was known as John Dempsey, but I never tried to hide my name as being John Gunaca.

Senator MUNDT. How are you known to the patrons of the bar where you now work? Are you known as Mr. Gunaca or Mr. Dempsey?

Mr. GUNACA. I am known under both, sir.

(At this point, Senator Ervin entered the hearing room.)

Senator MUNDT. Under both?

Mr. GUNACA. Yes, sir.

Senator MUNDT. When you worked at Chrysler, were you known by both names?

Mr. GUNACA. Yes, sir; I was.

Senator MUNDT. As a picketer in the picket line in Sheboygan, were you known by both names?

Mr. GUNACA. No, sir.

Senator MUNDT. In Sheboygan you were known by what name?

Mr. GUNACA. John Gunaca.

Senator MUNDT. Nobody ever called you "Dempsey" there?

Mr. GUNACA. No, sir.

Senator MUNDT. Dempsey is the name that you use on and off only in Detroit, and you tell me that you used it only there because your father, who lived in Detroit before you, used to go by that name, so family acquaintances call you that; is that right?

Mr. GUNACA. Senator Mundt, I did not necessarily use that name. The people always called me that. Any time they referred to me, they did not refer to me as John Gunaca; they referred to me as John Dempsey. You can blame it on a couple of million people in the city of Detroit, if you want to.

Senator MUNDT. I do not know that there is any particular blame on anybody. I am simply trying to straighten out the record to see whether, legally, as a taxpayer, and as a social-security-card holder you are known as John Gunaca or John Dempsey, and I think you have cleared it up. You have cleared up that in Sheboygan you were never referred to as John Dempsey.

Mr. GUNACA. No, sir.

Senator MUNDT. All right.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. When did you cease to draw pay from the union after leaving Wisconsin on about July 6 or 7, 1954?

Mr. GUNACA. The day I reported back to the local, sir.

Senator CURTIS. And up until that time you had been paid by your local?

Mr. GUNACA. Yes, sir.

Senator CURTIS. Now, since that time, have you drawn any pay from the local or from any other branch of the union?

Mr. GUNACA. No; I did not.

Senator CURTIS. Nothing from the international?

Mr. GUNACA. No, sir.

Senator CURTIS. So, so far as any branch of the union is concerned, when your pay was terminated after you returned to Michigan, that has been the last you received from them?

Mr. GUNACA. Yes; it is, sir.

Senator CURTIS. No other payments of any other kind, other wages, have you received since then?

Mr. GUNACA. No, sir.

Senator CURTIS. That is all.

Senator MUNDT. Did you ever have a bank account under the name of John Dempsey?

Mr. GUNACA. No, sir.

Senator MUNDT. A checking account?

Mr. GUNACA. No, sir.

Senator MUNDT. That is all.

Senator GOLDWATER. I might ask this of the counsel: Who is paying for your services?

Mr. MARSTON. Mr. Chairman, this is something I think, that ought to be within the area of privilege between client——

Senator GOLDWATER. Then I will not ask the counsel.

I will ask the witness. Are you paying the counsel?

Mr. GUNACA. No, Senator Goldwater; I am not.

Senator GOLDWATER. Who is paying the counsel?

Mr. GUNACA. As far as I know, my local union is.

Senator GOLDWATER. You know the local union is paying him, do you not?

Mr. GUNACA. I assume they are, because I am not.

Senator GOLDWATER. How long has the union been paying your counsel?

Mr. GUNACA. Mr. Marston happens to be a legal adviser for our local.

Senator GOLDWATER. Is Mr. Marston's firm permanently retained as counsel for local 212?

Mr. GUNACA. That is the way I understand it, sir.

Senator GOLDWATER. Were you ever an international representative?

Mr. GUNACA. No, sir.

Senator GOLDWATER. Let me ask you on a little confusion of names, where is Guy Barber at the present time?

Mr. GUNACA. I have not seen Guy Barber—well, I could say for 2 years.

Senator GOLDWATER. Is that one and the same as Al Barber, or are they two different people?

Mr. GUNACA. They are two different people.

Senator GOLDWATER. Al Barber is with the Wayne County Industrial Union or Council?

Mr. GUNACA. Wayne County Council.

Senator GOLDWATER. Do you know Emil Mazey?

Mr. GUNACA. Yes, sir, I do. He is the secretary-treasurer of our international.

Senator GOLDWATER. How long have you known him?

Mr. GUNACA. I was familiar with him since 1946, but I have actually known Mr. Mazey since I have been a member of local 212.

Senator GOLDWATER. Did you have any conservation with him about going to Sheboygan?

Mr. GUNACA. No, sir; I never did.

Senator GOLDWATER. Did you ever talk to Mr. Mazey while you were in Sheboygan?

Mr. GUNACA. Only to say hello to him.

Senator GOLDWATER. Would that be, generally, on the picket line?

Mr. GUNACA. I never seen Mr. Mazey on the picket line.

Senator GOLDWATER. You never saw Mr. Mazey on the picket line?

Mr. GUNACA. I don't believe I have. I don't remember seeing him on the picket line.

Senator GOLDWATER. I wish you would take a look at this picture, particularly at the numbers 10 and 11, and tell me again if you ever saw Mr. Mazey on the picket line.

(Photograph handed the witness.)

(Witness conferred with his counsel.)

Mr. GUNACA. According to this picture, sir, I have.

Senator GOLDWATER. Isn't it a matter of fact that you were standing right behind him, shoulder to shoulder?

Mr. GUNACA. I was standing right behind him, yes, sir, according to this picture.

Senator GOLDWATER. And yet you tell us that you never saw Mr. Mazey on the picket line?

Mr. GUNACA. I stated, Senator Goldwater, that I don't remember seeing him on the picket line.

Senator GOLDWATER. Does that picture refresh your memory?

Mr. GUNACA. It shows here that he was on the picket line, and I was there, too.

Senator GOLDWATER. And you didn't see him at that time?

Mr. GUNACA. I must have. This picture indicates it.

Senator GOLDWATER. It would be pretty hard not to see him, wouldn't it?

Mr. GUNACA. I am afraid so.

Senator GOLDWATER. So, you have seen Mr. Mazey on the picket line?

Mr. GUNACA. On this one occasion, I must have.

Senator GOLDWATER. I don't have to remind you; you are under oath on answering these questions.

Mr. GUNACA. Yes, sir.

Senator GOLDWATER. I just wanted to remind you that you are, so be careful how you answer these questions.

Mr. GUNACA. Senator Goldwater, I didn't remember seeing him on the picket line. There was a lot of confusion, and things that go on in the course of a picket line, that you don't stop and think about those things all the time.

Senator GOLDWATER. That is all I have, Mr. Chairman.

The CHAIRMAN. Are there any further questions?

Let the Chair ask one question, please, Mr. Gunaca. I will advise you in advance that I am not going to compel you to answer it, unless you want to, but I think it is only fair to give you the opportunity.

I had Mr. Bersch come around a while ago and identify you as the person who struck him at the time he testified to. I am not going to require you to answer it, but I want to give you the opportunity if you care to voluntarily make any statement about it as to whether you did or didn't.

(The witness conferred with his counsel.)

Mr. GUNACA. On advice from my lawyer, Mr. Chairman, he advises me not to say nothing about it.

The CHAIRMAN. All right. Are there any other questions?

Senator ERVIN. I would like to ask him a similar question, with the same advice that he would be entitled to claim the privilege against answering this question, and that is: Did you flee from the State of Wisconsin to the State of Michigan to avoid prosecution for an assault?

(The witness conferred with his counsel.)

Mr. GUNACA. Mr. Senator, I am advised not to answer that question either.

Senator MCNAMARA. Mr. Chairman.

Senator ERVIN. That is all.

The CHAIRMAN. Senator McNamara.

Senator MCNAMARA. Are you a citizen of the State of Wisconsin?

Mr. GUNACA. No, sir, Senator McNamara. I am not.

Senator MCNAMARA. Have you ever been a citizen of the State of Wisconsin?

Mr. GUNACA. No, sir.

Senator MCNAMARA. Are you a citizen of the State of Michigan?

Mr. GUNACA. Yes, sir; I am.

Senator MCNAMARA. For how long?

Mr. GUNACA. For 35 years.

Senator MCNAMARA. Continuous?

Mr. GUNACA. Outside of the time that I was in Kansas City and down in Sheboygan, and the other time I spent in the service. Most all of my life I have lived right in the Detroit area.

Senator MCNAMARA. Thank you.

Mr. MARSTON. Mr. Chairman, before the witness is excused, may I present to the Chair the information which was asked with respect to the candidates involves his work in 1955?

The CHAIRMAN. I believe this morning there was some interrogation as to what candidates he was working for when he was—where was that; up in Detroit?

Mr. MARSTON. Yes, sir. It was actually in 1953. I misspoke myself. It was in the spring of 1953. He indicated that he had done some work for the Wayne County Council. At that time there were a number of State offices, county offices, and city offices up for election. If you wish, I can read this, or I can submit it to the committee.

The CHAIRMAN. I don't care for it. I just asked the witness does he remember whom he worked for? Has your memory been refreshed now? Do you remember whom you campaigned for?

Mr. GUNACA. Yes; I do, Mr. Chairman.

The CHAIRMAN. All right. Who?

Mr. GUNACA. For the regents of the University of Michigan, Miss Hatch and Mr. Robinson, and superintendent of public instruction was Mack Monroe.

The CHAIRMAN. Anyone else?

Mr. GUNACA. Well, the board of agriculture was Himes and Smith.

The CHAIRMAN. As I understand, you were just out campaigning generally for the Democratic ticket; is that right?

Mr. GUNACA. Yes; that is true, sir.

Senator MUNDT. May we have the list submitted as an exhibit?

The CHAIRMAN. It can be submitted.

Mr. MARSTON. Shall I indicate which of the men on here are Republicans, Senator?

Senator MUNDT. It is up to you. I don't care.

The CHAIRMAN. If anybody wants to know which are Republicans and which are Democrats, it is all right by me.

Mr. MARSTON. They are indicated by R. There are a few Republicans on this list.

Senator MUNDT. And the titles of the positions they were running for are indicated, too?

The CHAIRMAN. This may be made exhibit 49, for reference.

(The document referred to was marked "Exhibit 49" for reference, and may be found in the files of the select committee.)

The CHAIRMAN. Are there any other questions of this witness?

Senator GOLDWATER. I have one more question, Mr. Chairman.

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. I want to clear up an answer that Mr. Gunaca made this morning. You testified that you participated in the Square D strike of 1954.

Mr. GUNACA. I walked that picket line; yes, sir, on maybe 1 or 2 occasions.

Senator GOLDWATER. When was the last time that you held a job over which local 212 was the bargaining agent?

Mr. GUNACA. At the Chrysler Corp.

Senator GOLDWATER. What year was that?

Mr. GUNACA. 1952.

Senator GOLDWATER. What year was that strike, the Chrysler strike?

Mr. GUNACA. 1950.

Senator GOLDWATER. What year was the Square D strike?

Mr. GUNACA. I believe that it was in 1954, or the early part of 1955.

Senator GOLDWATER. Was that after you got back from Sheboygan?

Mr. GUNACA. Yes, sir, it was.

Senator GOLDWATER. Did you get paid for participating in that strike?

Mr. GUNACA. No, sir, I did not. I went there on my own accord.

Senator GOLDWATER. So it has been since 1952 since you have held a job over which local 212 was the bargaining agent, is that correct?

Mr. GUNACA. Yes, sir, it is.

Senator GOLDWATER. And since that time you have been employed in a bar?

Mr. GUNACA. Yes. Senator Goldwater, I would like to state right here since that time the publicity that I have had, and when I get back to Detroit I will probably lose this job, too, from all the publicity—I was fired from three jobs on account of this publicity that I have been getting.

Senator GOLDWATER. Mr. Gunaca, what union was involved in the Square D strike?

Mr. GUNACA. Just a moment.

(The witness conferred with his counsel.)

Mr. GUNACA. I am under the opinion that the UAW took over the Square D and it was a UAW strike.

Senator GOLDWATER. Wasn't it the United Electrical Workers' strike?

Mr. GUNACA. That is what I was trying to find out from my counsel, sir. I knew it was one of the two. I don't remember if it was that one or if it was us.

Senator GOLDWATER. Let me ask you: If there was a strike called tomorrow in Detroit, would you participate in it?

Mr. GUNACA. Yes, I believe I would, sir. It all depends where it was, in whose jurisdiction it was.

Senator CURTIS. When these strikes are called and they are not in the plant where you work, does it always happen that the outsiders come in without any instructions whatever?

Mr. GUNACA. Senator, I don't consider myself an outsider or any other union man an outsider. When there is a strike, I feel that it is part of our belief that we help each other.

Senator CURTIS. I can understand that, and I can understand that a union that spends as much money on a strike as was spent here at Kohler——

Mr. GUNACA. It is Mr. Kohler's fault.

Senator CURTIS. Would want to be successful in it, and that is why it is so hard for me to understand that there wasn't any central authority directing things around there. It just doesn't make sense. I am at a loss to understand why all you witnesses come in here and no one requests you to do anything, but you just went down there, and you proceeded to be on your own without any central instructions. It is really hard to understand. Are you protecting some individual that was directing the strike?

Mr. GUNACA. Are you asking me a question, Senator?

Senator CURTIS. Yes.

Mr. GUNACA. No, sir, I am not pretecting no one.

Senator CURTIS. But it always happens that way, that you just come in without any instructions?

Mr. GUNACA. Yes.

Senator MUNDT. Mr. Chairman, I have no questions for Mr. Gunaca, but while he is on the stand, so that he can deny it if it is deniable, the reason we asked for the names of these various candidates for office was to determine whether or not the concept of unbiased and unprejudiced judges was being carried out here by the PAC in this particular case.

I find that on the list that Mr. Gunaca was working for where a list of 17 circuit court judges that he was supporting. He was supporting 10 judges of recorder's courts, and he was supporting 4 judges of common pleas court.

That is the only point at issue, and I am glad to have that as an exhibit in the record. That is from your list, Mr. Gunaca.

Mr. MARSTON. I think it is only fair, Mr. Chairman, to say that there were a number of Republicans amongst those being supported.

Senator MUNDT. Let me read from the list. At the top of the list it says that in Michigan judges are selected on a nonpartisan basis and run without party designation. Is your list correct when it says that? Is that a correct statement?

Mr. MARSTON. They run on a nonpartisan basis, but their politics are generally well known.

Senator MUNDT. I presume that is true, but they run on a nonpartisan basis?

Mr. MARSTON. That is correct.

The CHAIRMAN. All right.

Mr. MARSTON. May this witness be excused?

The CHAIRMAN. Yes. Call the next witness.

Mr. KENNEDY. Mr. Born and Mr. Desmond.

(At this point, the following members of the committee were present: Senators McClellan, Ervin, McNamara, Mundt, Curtis, and Goldwater.)

The CHAIRMAN. The two witnesses will be sworn. Do you and each of you solemnly swear the evidence you shall give before this select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DESMOND. I do.

Mr. BORN. I do.

TESTIMONY OF GERARD A. DESMOND (RESUMED) AND JOSEPH M. BORN, ACCOMPANIED BY LYMAN C. CONGER, COUNSEL

The CHAIRMAN. Beginning on my left, state your name and your place of residence and your business or occupation?

Mr. DESMOND. My name is Gerard A. Desmond. I am attorney for the Kohler Co. I live at 504 Valley Road, Kohler, Wis.

Mr. BORN. My name is Joseph M. Born. My residence is 1529 Erie Avenue, Sheboygan, Wis. I am a time study man working in the standards department of the Kohler Co.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Desmond, we are going into the matter now involving the clay boat incident, and you have some personal knowledge and information on that, do you not?

Mr. DESMOND. Yes, sir; I do.

Mr. KENNEDY. The clay from which the Kohler Co. makes its bathtubs is imported, is that right?

Mr. DESMOND. Mr. Kennedy, bathtubs, if I may correct you, are not made with clay. They are made with cast iron. But the clay that was imported is used to make vitreous china, which is something entirely different from bathtubs.

Mr. KENNEDY. You do import large amounts of clay?

Mr. DESMOND. Yes, sir; we do.

Mr. KENNEDY. And that comes in by boat?

Mr. DESMOND. By boat from England.

Mr. KENNEDY. Most of it is imported, as I understand, from England?

Mr. DESMOND. That is right.

Mr. KENNEDY. And it is brought in by boat?

Mr. DESMOND. That is right.

Mr. KENNEDY. Into Sheboygan?

Mr. DESMOND. Yes, sir, on Lake Michigan.

Mr. KENNEDY. Was it well known that a boat was coming in around the first week in July to bring a supply of clay to the Kohler Co.?

Mr. DESMOND. Well, if I may answer that question in this way, on July 1, on a union program, which is at approximately 9:30 at night, the union referred to the boat coming in that weekend, and stated that, of course, and I am paraphrasing it, I can't remember this exactly, the commentator stated, "Of course, there will be many people at the dock to see the boat come in," and that the local 833 have already gone out or were going out, I don't remember exactly which, "to the boat to advise the sailors on the boat of the cause of the strikers, and matters concerning the strike."

That was on July 1.

Mr. KENNEDY. Had it also appeared in the local newspapers that the boat was coming in?

Mr. DESMOND. I would think it did; yes.

Mr. KENNEDY. So it was well known and well publicized, not only by the local newspaper, but by the union itself, that this boat was coming in?

Mr. DESMOND. Yes. And I might also state, Mr. Kennedy, that at the end of the program, which is a 15-minute program, reference was again made to it, and it says, "Certainly, many people will be there, and perhaps the boat might be unloaded."

That was the same program, on July 1, at the end of the 6:30 union broadcast.

Mr. KENNEDY. Then the boat did arrive on July 4, did it?

Mr. DESMOND. I think it was something like that. But if I might state this also, the next morning Mr. Conger called me over to his office, and we discussed that program that I just referred to. We gathered from that program that there was going to be a very large crowd down at the dock, and that something might be done to prevent the clay from being unloaded.

Mr. Conger and I drafted a letter to Mayor Ploetz. A copy of that letter was given to Chief Wagner. We drafted a letter to Sheriff Mosch, and a copy of that letter was given to the chairman of the county board. In that letter, we told them—we referred to this program—we told them that we expected that any damage which would be done, would be reimbursed, if any of the mob—if anything that happened down there would cause damage to our property.

Mr. KENNEDY. You said any of the mob.

Mr. DESMOND. Well, anything that might have occurred down there, because we expected in view of that program that there would be a number of people down there at the dock.

Mr. KENNEDY. You expected mob violence down there 3 days before?

Mr. DESMOND. Well, no. We didn't know what to expect, but we felt that we would have to protect our interests by sending that letter under the statute of Wisconsin which requires notice to be sent to the mayor and also to the sheriff.

Mr. KENNEDY. Did they know that the boat was to come in on the 5th of July or the 4th of July?

Mr. DESMOND. The mayor and the sheriff?

Mr. KENNEDY. Yes.

Mr. DESMOND. I personally served that letter on them that I just referred to on July 2.

Mr. KENNEDY. Did you tell them at that time that the boat would be in on the 4th of July?

Mr. DESMOND. I told them that the boat would be expected in that weekend; yes.

Mr. KENNEDY. Did the union know that the boat was coming in that weekend also?

Mr. DESMOND. They certainly did, because they mentioned it on the program, that I just mentioned, on July 1.

Mr. KENNEDY. The boat was to be unloaded on the 5th of July, is that right, 1955?

Mr. DESMOND. Yes. That weekend was the 4th of July weekend, and I think the 4th of July was celebrated on Monday, so they did not want to unload it on the weekend and it was scheduled to be unloaded on Tuesday, July 5.

Mr. KENNEDY. Was Monday a holiday?
Mr. DESMOND. No, sir.
Mr. KENNEDY. It was a regular working day?
Mr. DESMOND. Yes, sir.
Mr. KENNEDY. July 5?
Mr. DESMOND. Yes, sir.
Mr. KENNEDY. Around 8 o'clock did you leave the Kohler Co. to go to the dock?
Mr. DESMOND. Yes, sir; I did.
Mr. KENNEDY. And in the car with you was Mr. Jacobi?
Mr. DESMOND. Paul Jacobi.
Mr. KENNEDY. And Mr. Biever, is that right?
Mr. DESMOND. And also Mr. Born.
Mr. KENNEDY. What is their position in the company?
Mr. DESMOND. Well, Mr. Born, as he stated, is a member of the time study department, and Mr. Biever is our plant manager, and Mr. Paul Jacobi is also a member of our time study department.
Mr. KENNEDY. And you did get down to the docks shortly after 8 o'clock.
Mr. DESMOND. Yes, sir; we went in the Kohler Co. station wagon, and we got down there some 5 or 7 minutes after 8 o'clock in the morning.
Mr. KENNEDY. Did you see a large number of people at the dock already?
Mr. DESMOND. When we came into the dock area, we found that the unloading equipment belonging to the Buteyn Bros. was stopped in the middle of a street called Pennsylvania Avenue, which is immediately adjacent or the dock is on that street.
There were people on the south side of the street.
Senator CURTIS. I can't hear what is going on. There is too much noise.
The CHAIRMAN. Let us have order.
Proceed.
Mr. DESMOND. We drove by in the station wagon, and as we approached the opening, there was no gate there. It was just an opening to the dock. We observed that there were pickets picketing across the entrance to the dock.
I noticed that Mr. Rand was there, right in front of the dock, Donald Rand, and I had Mr. Jacobi take a photograph of him.
Mr. KENNEDY. Do you have that photograph?
Mr. DESMOND. Yes; I have.
Mr. KENNEDY. Could we have it?
Mr. DESMOND. Yes.
Mr. KENNEDY. That is Mr. Donald Rand?
Mr. DESMOND. Mr. Donald Rand, yes.
Mr. KENNEDY. He is from the international union?
Mr. DESMOND. Yes, sir. Incidentally, Mr. Kennedy, I also have copies of letters that I sent to Mr. Rudolph Platz, and to Mr. Theodore Marsh, and we would like to have those—I have copies of those.
Mr. KENNEDY. Let us have the picture.
(A document was handed to the counsel.)
The CHAIRMAN. This exhibit may be made exhibit No. 50.
(Document referred to was marked "Exhibit No. 50" for reference and may be found in the files of the Select Committee.)

Mr. KENNEDY. Is this a picture of the pickets?

Mr. DESMOND. At the time that picture was taken, we were going into the dock area, and the pickets were right on the sidewalk immediately in front of and blocking the entrance to the dock area.

Mr. KENNEDY. Did they have signs?

Mr. DESMOND. No; I don't recall them having any signs.

Mr. KENNEDY. How could you tell they were pickets?

Mr. DESMOND. Well, they were picketing and they were across the driveway, and we wanted to go in, and——

Mr. KENNEDY. How do you know it was just not a crowd that was down there? You say it was picketing, and you said this was a picture of them picketing. It appears that they don't have any signs there, and I am just trying to find out how you knew they were pickets.

Mr. DESMOND. Well, my definition of picketing doesn't necessarily imply that they have to have signs.

Mr. KENNEDY. Any crowd of people is a picket?

Mr. DESMOND. No. I think that anyone who is a member of a striking union, and if they block an entrance to an area where someone has a legal right to go, I think that can be constituted as pickets.

Incidentally, I might add that later, when we got into the dock area, I did recognize various members of local 833.

Mr. KENNEDY. All of these people whom you have pictures of here, are they all members of 833 on strike?

Mr. DESMOND. I don't know, sir.

Mr. KENNEDY. That is what I wanted to ask. You said it was a picket line. I am not finding fault with that. I want to get your definition.

Is it any group of people standing around, whether they are in the union or not? Is that a picket line?

Mr. DESMOND. I consider that to be a picket line.

Mr. KENNEDY. Under your definition, then, this was a picket line?

Mr. DESMOND. Under my definition.

Mr. KENNEDY. A group of people standing around in front of the dock?

Mr. DESMOND. Yes, sir.

Mr. KENNEDY. Is that right?

Mr. DESMOND. No; I would say this, that I couldn't, myself, identify everybody on that line, but when we got into the area and I observed the picket line again, at the same location, I did recognize and identify to myself various members of 833 in that line.

Mr. KENNEDY. I will say for my own purposes, that I always understood—and maybe Senator McNamara could throw some light on it—that a picket line was a group of people marching up and down, giving some information to the public.

I don't see that these people have any signs, or any other way of corresponding with the public. Isn't that correct?

Senator MCNAMARA. I think that that was my impression of what a picket line was before I attended these hearings, and I now am as confused as well as everybody else.

Mr. KENNEDY. There was a group of people out in front?

Mr. DESMOND. Might I make this observation, Mr. Kennedy, if I might, please:

There were many times at Kohler when the pickets were picketing without signs.

Mr. KENNEDY. Were there other signs around there somewhere?

Mr. DESMOND. There was one little sign, many times, "On Strike," which was away over on the other side, but pickets at Kohler did not always carry signs.

Mr. KENNEDY. I don't think that it is that important. There were a group of people blocking the entrance, and, again, as far as identifying them, you did identify some of them as members of local 833?

Mr. DESMOND. That is right.

Mr. KENNEDY. We could go on. They wouldn't allow you to come through until a policeman came and opened it up, and then you drove the station wagon through, is that right?

Mr. DESMOND. Yes, sir.

Mr. KENNEDY. And you got inside?

Senator CURTIS. Would you yield for a question or two about this?

Where were this crowd of people? Were they on the street, on the sidewalk, or on private property?

Mr. DESMOND. They were on the sidewalk, Senator. They were immediately in front of the entrance to the dock.

Senator CURTIS. By the entrance, that would be where vehicles would cross the sidewalk, a driveway?

Mr. DESMOND. Yes, sir.

Senator CURTIS. About how many people were there?

Mr. DESMOND. Well, at what I consider to be the picket line, I would say there were between 25 and 30, around that number. I don't recall specifically the number, but around that I would say, 25 or 26.

Senator CURTIS. And you and your party approached in a car?

Mr. DESMOND. Yes, in the Kohler Co. station wagon.

Senator CURTIS. Did you get into the dock?

Mr. DESMOND. We finally got into the dock after the policeman opened up the line.

Senator CURTIS. But until the policeman opened up the line, they blocked it?

Mr. DESMOND. They blocked it and we were there for a minute or so until the police came over. We just couldn't proceed any further than the people standing there.

Senator CURTIS. Did they say anything to you, these individuals who were blocking your way? Did they say anything to you, or shout anything to you?

Mr. DESMOND. I don't recall whether they did or not at that particular time, Senator, when we were in that location.

Senator CURTIS. I didn't get the answer.

Mr. DESMOND. I don't recall whether they did at that particular time the station wagon was in that location. Whether they said anything to us, I don't recall, but they did later on, when we got in the area.

Senator CURTIS. These same people shouted to you after you got inside?

Mr. DESMOND. Some of them, yes.

Senator CURTIS. What would be the nature of what they would say to you?

Mr. DESMOND. Well, one of said to me—he cursed at me and said, "If you come over here * * *" and I can't remember the exact words.

But it was something to the effect, "If you come over here, I will give you a black eye," or something like that, and I don't recall the exact words.

I do know the name of the individual who said it, though, but the exact words, I can't recall at the moment.

Senator CURTIS. What was the date of this incident where you drove down there?

Mr. DESMOND. July 5, 1955.

Mr. KENNEDY. How long did they keep you from getting into the dock?

Mr. DESMOND. At that particular location, Mr. Kennedy, I would say probably a minute or two, something like that.

We had to stay there for a little while before the police came over.

Mr. KENNEDY. Then they opened up the line, and you went inside?

Mr. DESMOND. And the police made the people move, and then we entered with the station wagon, and went inside.

Mr. KENNEDY. Now, at that time, had the company arranged for Mr. Buteyn to come into the dock and unload the clay?

Mr. DESMOND. Yes; we had an arrangement with Mr. Buteyn previous to that day to do the unloading.

Mr. KENNEDY. And did you see him then come down and try to get into the dock area?

Mr. DESMOND. When I got there, of course, the equipment, as I stated, was in the middle of the road. After we got into the dock area, and had been there for some time, Mr. Buteyn came in and talked to us, Mr. Buteyn and I, and he said "I don't want to leave those cats out there," and he referred to what I think were caterpillars or something like that, that they use in unloading, "And I would like to drive those cats into the dock here so at least they are protected from the people."

We told him it would be a good idea, and so he went out through the picket line again and got these cats, and attempted to drive them in, but the people would not move. And so I walked up to the picket line, and finally the policeman came over and allowed——

Mr. KENNEDY. Until we find the definition of a picket line, just say you walked over to this group of people, because I think that there is a definite question about it.

Mr. DESMOND. He walked over to the people that were blocking the entrance to the dock area, and forcibly made them move so that Mr. Buteyn could drive in the caterpillar.

I am not sure whether I am using the right term there as to the equipment, and it might be something else completely, but he referred to it as a "cat."

Mr. KENNEDY. It was his equipment anyway that was necessary for him to get into the dock area in order to unload the boat, is that right?

Mr. DESMOND. Yes, but mind you, he was just bringing those cats in to get them off the street. He did not bring them in to unload, because he had conluded that he couldn't unload, because he needed all of that other big equipment.

And there was a big crane out there, for example, the very large piece of equipment, which he needed at the dock to get the clay out of the boat into his trucks.

Mr. KENNEDY. Why couldn't he get the crane in?

Mr. DESMOND. Because the people there wouldn't let him, and they would not open up in order to let that equipment go through.

Mr. KENNEDY. Where was the crane at the time.

Mr. DESMOND. I think it was on the street, Pennsylvania Avenue.

Mr. KENNEDY. And approximately how far away?

Do we have that picture?

Approximately how far away from the dock was the crane?

Mr. DESMOND. Well, he had various pieces of equipment.

Mr. KENNEDY. How far away was the crane?

Mr. DESMOND. Can I explain it, and I don't know how far the crane was, but the first piece of equipment that he had to drive into the dock area was somewhere immediately north of the entrance to the area.

Now, the crane probably was maybe the second or the third, or the fourth piece, and I am unable to state, but it was in the middle of the street.

Mr. KENNEDY. He couldn't even get the first piece of equipment in, is that right?

Can you identify it at all from this picture?

Mr. DESMOND. The crane, you mean?

Mr. KENNEDY. All of the equipment.

Is that of any help to you?

Mr. DESMOND. No, sir; it isn't.

Mr. KENNEDY. Isn't there a gate there, and isn't that the dock?

Mr. DESMOND. There is a gate there, yes, and the entrance to the dock area, I might say.

Mr. KENNEDY. Do you want to point it out to the committee; what you are talking about?

Mr. DESMOND. The entrance to the dock area is right about at this point.

Mr. KENNEDY. Where was the equipment?

Mr. DESMOND. Well, the equipment was about in the middle of the street here, and this is Pennsylvania Avenue, incidentally which is about the middle of the street, and lined up one behind the other.

Mr. KENNEDY. Where was the crane then that you are talking about?

Mr. DESMOND. It was somewhere in that area, and I don't know exactly where it was. But it was somewhere in that area, right in the middle of the street, and facing in this direction. At least the equipment was facing in this direction.

Mr. KENNEDY. The people would not open up the line so that they could bring this equipment in?

Mr. DESMOND. That is right.

Mr. KENNEDY. That is, not only the crane, but the rest of the equipment?

Mr. DESMOND. Yes, sir. And incidentally, I might mention that when Br. Buteyn went out through the picket line from the area where we had discussed the matter with him, in order to bring the cat in, someone on the picket line said, "Hold that line," and motioned for more people to come over to get in the area, to the entrance to the dock area.

Mr. KENNEDY. Was he able to get either one of the caterpillars in?

Mr. DESMOND. Yes; he got one in.

Mr. KENNEDY. How did he do that?

Mr. DESMOND. As I said before, the police came and opened up the line there, and he drove the cat in.

Mr. KENNEDY. Was there a second one? The second cat didn't get in?

Mr. DESMOND. I am not sure, and I just don't remember.

Mr. KENNEDY. Do you know?

Mr. BORN. Both of the cats were brought in.

Mr. KENNEDY. Would you add anything that you have to this, up to where we are now? Is there anything that you can add?

Mr. BORN. I was driving the station wagon, and I had to drive very carefully down Pennsylvania Avenue toward the dock entrance, because of large numbers of people that were standing around in the area.

At times these people in front of the entrance were walking in an eliptical circle one behind the other in a semblance of a picket line.

Mr. KENNEDY. How long did you stay down there?

Mr. BORN. We were down there perhaps half an hour, or 40 minutes.

Mr. KENNEDY. Did you try to drive out?

Mr. BORN. We tried to drive out.

Mr. KENNEDY. Would one of the two of you describe the driving out?

Mr. DESMOND. We all got in the station wagon, and Mr. Born was driving, and Mr. Jacobi was on his right, and Mr. Biener was on the left-hand side of seat back of the driver, and I was on the right. As we came up on the "picket line," excuse me Mr. Kennedy, the group in front——

Mr. KENNEDY. All right, call it a picket line.

Mr. BORN. It is easier for me to do that.

Mr. KENNEDY. We are used to it, go ahead.

Mr. DESMOND. And they did not separate to enable the station wagon to go through. I got out of the station wagon and walked up to the picket line and asked them to move. They did not move, and so then I got closer and with the intention of getting the police to come to open the line, so that the station wagon could go through.

Mr. KENNEDY. I have got a definition of a picket line here.

Mr. DESMOND. I would like to hear it.

Mr. KENNEDY. From Webster's New International Dictionary, "A position held by a line of pickets."

Go ahead.

Mr. DESMOND. Several of the policemen came out, and if I remember correctly, I think it was Sergeant Zimmerman, and he forced the pickets to move to enable the station wagon to go through. I got back in the station wagon again and as we drove by, we had to inch our way through.

People were turning on the door, and I was on the right-hand side, and they were turning on the door that I was next to in an attempt to get it open, and they opened it to some extent, and I pulled the door shut and flipped down the latch so that the door would not open.

As we went through they were kicking and spitting on it, and jiggling the car as we went through the picket line.

We finally got through, and as we were, I would say, in the street, Pennsylvania Avenue, and passed the curb line there, a woman came

over and draped herself on the hood of the car, of the station wagon. We proceeded to go through, and as we were going someone struck the left front door window, where Mr. Born was driving and shattered the door glass.

As we proceeded to go through further, they were yelling at us, and calling us names, and they were shaking the car, and we finally proceeded to go through the area and got out of that immediate vicinity.

Senator CURTIS. Would the counsel yield at that moment?

These people who were spitting and cursing and taking hold of the car and interferring with the movement out there—I am not asking necessarily for their names as individuals—but who were they in general?

Mr. DESMOND. Well now, Senator, I can't say with any degree of certainty who the people were that were doing the spitting and the rocking because at that time I just did not make the observation. But I can say that the people whom I saw on the picket line, and the people that Mr. Born saw, and Mr. Jacobit who was also with us, they were by far strikers of local 833, and we observed them when we were in the area looking out toward the street before we left.

Senator CURTIS. In other words, while you are not attempting to identify who threw a rock, and who spit, and who did this and that, the group that were resisting your exit and the group that contained the people that did do these things were by and large or were all of them, or what would you say, were strikers at the Kohler plant?

Mr. DESMOND. I would say that they were by and large, most of them or a lot of them were strikers.

Senator CURTIS. In that crowd did you see any of these nonresidents such as these fellows that came in from Detroit or elsewhere?

Mr. DESMOND. As I mentioned before, when we approached the picket line, I saw Rand standing in front. Now, I also recall that I also saw Ray Majerus as we were approaching into the area, and I testified to that a little while ago. That is all whom I can recall, whom I saw at that time other than local 833 members

Senator CURTIS. That is all, Mr. Counsel, at this moment.

The CHAIRMAN. Do you wish to have this picture made an exhibit?

Mr. DESMOND. Well, Senator, I think it would be a good idea to have that as an exhibit, not to establish however the condition that existed on July 5.

The CHAIRMAN. It can be made an exhibit to serve whatever purpose it will serve, and we will make it exhibit 51, for reference.

(Document referred to was marked "Exhibit No. 51," for reference and may be found in the files of the Select Committee.)

Mr. KENNEDY. So you left there about 8:30 in the morning?

Mr. DESMOND. I would say something like that, Mr. Kennedy.

Mr. KENNEDY. Did you have any personal contact with it after that?

Mr. DESMOND. Yes. We went back to the Kohler Co. office in Kohler, Wis., and sometimes later, if I remember correctly, I had a call from Mr. Biever, and he and I, and I think Mr. Born again was driving another car, and not the station wagon because that was damaged, and we left that at Kohler.

We drove down to the area again. As I understand it, inasmuch as Buetyn Co. could not unload the clay, Mr. Biever attempted to have

our own employees go down from Kohler and attempt to unload the clay on our own trucks and bring it out to Kohler.

We went down there and we drove up to the intersection of Franklin Street and Pennsylvania Avenue and there was a very large group of people there. It was much more than I had seen in the morning earlier. As we drove up to the front, we saw the Kohler Co. truck some distance away, and a man being pulled out of the cab.

I saw someone take a poke at him. That man went through the group of people and we drove up Franklin Avenue and stopped the car. I knew it was an employee of ours, and there was no other transportation there for him, and so then I got out of the car, and as he got out of that area, the immediate vicinity there, I called to him and he went in the car with us, and we went down to Chief Wagner's office in order to have the man explain to the chief what had happened while he was there.

We went down to the chief's office and explained to the chief what we had seen there and the man who was pulled out of the cab, his name was Tom Schils, and he was a supervisor of the Kohler Co., and administrative personnel, and he explained to the chief exactly what happened to him.

Mr. KENNEDY. Was he badly hurt?

Mr. DESMOND. Well, I don't know whether he was badly hurt. I think his glasses were broken if I am not mistaken, and probably I think he mentioned a pen was broken, and I am not even sure the glasses were.

He was hit, and I suppose he felt it, but he was not maimed or I don't think he was cut or anything.

Mr. KENNEDY. Did you have any other firsthand contact with this affair?

Mr. DESMOND. Yes. At Chief Wagner's office, and after Mr. Schils had explained to the chief what had happened to him, we told the chief that there were two other Kohler Co. employees down there at the equipment and we were very much disturbed about their welfare inasmuch as what had happened to Mr. Schils.

I asked the chief to send someone down there to extricate those two employees before they had very serious injuries inflicted upon them. The chief said, "Well, I have no other men to send down, but here is a detective who will take you down there and his name was Detective Stubble, and Mr. Biever and I and Detective Stubble went in Detective Stubble's car.

It was not a police car, and we drove down again to the area, with the main purpose in mind of getting these two other employees, and I think one of the employees names was Minsell and he was a truck driver, and the other one was Al Leicht, who was in charge of our garage and who was on the equipment.

As we got to this area, Franklin Street and Pennsylvania Avenue, there was a barricade across the street, across Pennsylvania Avenue. There were police there, and when we arrived there they would not let us go through. They said, "This street is closed."

Mr. KENNEDY. The police did?

Mr. DESMOND. Yes, the police.

So then, Detective Stubble informed them who he was, and I suppose when they saw him get out or whether he got out or not I don't

know, but anyway they recognized him, probably in some way, and so they let us go through.

We drove up to where the equipment was.

Mr. KENNEDY. Could you just get to the point of what happened?

Mr. DESMOND. As we got there, Detective Stubble got out and Don Rand came over and cursed at him and said, "What is the idea of bringing Biever down here? Do you want to create a riot?"

At that point, he then talked to Sergeant Zimmerman, I think, it was some policeman, and there were people surging around the car. One of them attempted to reach in on the left-hand side, the driver's side, and get at Mr. Biever.

Mr. KENNEDY. What did they have against Mr. Biever?

Mr. DESMOND. Well, I don't know, he is the plant manager, and I don't know what they had against him.

Mr. KENNEDY. Had they had any experience with him before that?

Mr. DESMOND. I don't know from my own personal knowledge. He is the plant manager.

Mr. KENNEDY. Had you heard of any particular reason that the strikers disliked Mr. Biever?

Mr. DESMOND. Well, from the strike bulletins, and from the Kohlarians, and from the radio programs, they said a lot about Mr. Biever, so many things as a matter of fact that I just can't even remember.

Mr. KENNEDY. You can't remember anything particularly?

Mr. DESMOND. Not particularly, but they were out that day, this one striker, Rudolph Gunderson, Rudy Gunderson, reached in in order to grab Mr. Biever, and Bliss, Roger Bliss was also there, and he cursed at us and at Mr. Biever, and he told him to come outside and he was going to do something to him, and the exact words I don't remember.

Then Detective Stubble got in the car again, and we backed up and they were shaking the car, and pounding on it, and rocking it and finally managed to inch his way through out of the area.

(At this point, the following members are present: Senators McClellan, Ervin, McNamara, Curtis.)

Mr. KENNEDY. At that point, they really disliked Mr. Beaver and the Kohler Co., those people down at the dock. It was fairly obvious to you by this time?

Mr. DESMOND. If that wasn't dislike, I would hate to see what dislike is. I actually was in fear of my life at the moment.

Mr. KENNEDY. They really felt very strongly about it?

Mr. DESMOND. They certainly did.

Mr. KENNEDY. And acted that way by spitting at the car and rocking the car, and saying vulgar things to you?

Mr. DESMOND. That is right.

Mr. KENNEDY. Is there anything else regarding this? Does that cover it?

Mr. DESMOND. That covers it; yes, sir.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Concerning this crowd assembling down there, do you happen to know whether or not the union's radio broadcast about that time prior to the arrival of the boat discussed its arrival?

Mr. DESMOND. Yes. On July 1, Senator, at their 6:30 union program, they did mention it on two occasions, at the beginning of the program and at the end.

Senator CURTIS. That was on July 1, 1955?

Mr. DESMOND. Yes, sir.

Senator CURTIS. When did the boat actually arrive?

Mr. DESMOND. Well, now, my memory doesn't serve me there correctly, Senator. I can't say exactly whether it came in on July 2 or July 3, or July 4. I really don't know when it exactly came in.

Senator CURTIS. I have some quotations here of what purports to be from this radio program. Did Mr. Treuer——

Mr. DESMOND. He is the publicity agent of the—he is an international representative, as I understand it, who is the publicity agent, and he directs these nightly local 833 radio programs.

Senator CURTIS. Have you covered all of the damage that took place to property down there at the dock?

Mr. DESMOND. No, sir; there was other damage to Kohler Co. equipment.

Senator CURTIS. What was the nature of that?

Mr. DESMOND. The full extent of it I don't know, Senator, but there were tires that were flat, if I remember correctly, all the gasoline was let out, and there was some other damage to the equipment. Not being a mechanic, I just can't explain exactly what it is. But there was some damage to the equipment.

Senator CURTIS. Did the fire department have to be called in that instance?

Mr. DESMOND. I remember, and this is not from my own observation, but just from my understanding of what happened afterward, the fire department did come. Incidentally, I had talked to Mr. Munsel, or Minsel, the truckdriver, and Mr. Leicht, and they had told me that they were spit upon, that lit cigarettes were put in their pockets, that their clothes were torn. Lit cigarettes were put against their body. They were struck, and many other things.

Senator CURTIS. Who is John Minsel?

Mr. DESMOND. He is a truckdriver for the Kohler Co.

Senator CURTIS. And he was down there at the dock?

Mr. DESMOND. He was the one that drove the Kohler equipment down there to the dock; yes, sir.

Senator CURTIS. And he was one of the men who complained to you about how he was treated?

Mr. DESMOND. Yes, sir.

Senator CURTIS. And Al Leicht?

Mr. DESMOND. Al Leicht is in charge of the Kohler Co. garage at the Kohler Co. plant. He was a supervisor over Minsel.

Senator CURTIS. Who was Tom Shields?

Mr. DESMOND. Tom Shields was a superintendent in the Kohler Co. who was in charge of Al Leicht and his department.

Senator CURTIS. Who was this individual or concern that was supposed to unload the boat?

Mr. DESMOND. That is Buteyn Bros.

Senator CURTIS. Are they employees of Kohler?

Mr. DESMOND. No, sir; they are not.

Senator CURTIS. Were they going to unload it on a contract basis?

Mr. DESMOND. Yes. I had drafted a purchase order, which is what our material contracts are, and that purchase order covering the entire operation of the unloading and delivery of the clay to the Kohler Co. was sent to Buteyn Bros.

Senator CURTIS. Had they been able to carry on their work of unloading it, would it have been necessary for Kohler employees to be around there?

Mr. DESMOND. If they had been able to do it, it would not be necessary for any Kohler Co. employees to be there; no, sir.

Senator CURTIS. And they did not act in the position of employees of the company, but a contract was made with them to unload the boat?

Mr. DESMOND. Buteyn Bros. is an independent contractor and we had contracted with them to do the unloading of the boat and deliver it out to Kohler.

Senator CURTIS. Had they unloaded boats before?

Mr. DESMOND. They had; yes, sir.

Senator CURTIS. Under a similar arrangement?

Mr. DESMOND. Under a similar arrangement.

(Senator Goldwater entered the hearing room at this point.)

Senator CURTIS. So the interference down there, while it may have been to the detriment of the Kohler Co., the people who were really interferred with, in carrying out their work, was this independent contractor?

Mr. DESMOND. That is right, sir.

Senator CURTIS. Do you know whether they had any labor trouble at the time?

Mr. DESMOND. To my knowledge, they did not.

Senator CURTIS. About how large a concern is it? Would you guess how many employees? 100? 25?

Mr. DESMOND. It is not a very large concern. I can be way off on this estimate. Probably they might have as high as 15 or 20 employees. I could be way off on that, however.

Senator CURTIS. And they select their own employees and are not subject to your control at all?

Mr. DESMOND. They are not subject to our control. They hire their own employees, they fire them, they do anything they want to.

Senator CURTIS. And they have their own equipment.

Mr. DESMOND. Their own equipment; yes, sir. They did borrow a piece of our equipment in this operation, because they did not have—they had a similar piece, but it was at another location, so we loaned them it.

Senator CURTIS. And they did dock work for other people besides Kohler Co.?

Mr. DESMOND. I don't know whether they did dock work, Senator.

Senator CURTIS. I mean loading and unloading.

Mr. DESMOND. Actually, it is an excavating concern. I don't know whether they did that particular type of work for other concerns.

Senator CURTIS. What I am trying to get at is this: They had business where they used this equipment and these same employees for other than Kohler?

Mr. DESMOND. Yes. As a matter of fact, they did very little work for Kohler Co. They did more work for other concerns, I would say.

Senator CURTIS. That is all, Mr. Chairman.

Senator MCNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator MCNAMARA. I would like to ask, Witness: Who owned these four pieces of equipment that you referred to that were down at the dock on this day?

Mr. DESMOND. Senator, in the morning the equipment was owned by Buteyn Bros., and in the afternoon Kohler Co. brought its own equipment in there to attempt to unload. When I say the afternoon, it was some time around the noon hour. Maybe it was 12:30 or something like that.

Senator CURTIS. But the four pieces that you talked about, wherein the policemen opened up the line, and such things, was that Kohler equipment, or was this Buteyn Co.'s?

Mr. DESMOND. I think those cats belonged to Buteyn Bros.

Senator CURTIS. And they were being operated, apparently, by your plant supervision, plant manager and garage superintendent and so on?

Mr. DESMOND. No, sir. That equipment in the morning was operated entirely by Buteyn and its employees.

Senator CURTIS. So this equipment was removed completely from the site and then you came in with other equipment, is that the situation?

Mr. DESMOND. I don't know whether it was removed completely from the site or not. I wasn't down there in that area except for that one time in the afternoon that I related, with Detective Stubbler, and I don't know whether the Buteyn equipment was completely removed from the area or not. I don't know from my own knowledge.

Senator CURTIS. When you were there, the equipment that was involved at the time you were on the site was Kohler Co. equipment?

Mr. DESMOND. There were two occasions, Senator. In the morning, I testified that we had gone down into Kohler Co. station wagon. It is my opinion, and I believe, that that equipment was owned by Buteyn Bros. When we got to the area with Detective Stubbler, I think that that equipment in there was Kohler Co. equipment.

Senator CURTIS. And at that time when you arrived with the detective that you mentioned, you didn't observe whether the equipment previously there was at the site or had been taken away?

Mr. DESMOND. No; there were too many people there, Senator.

Senator CURTIS. You just don't know what became of the original equipment?

Mr. DESMOND. I don't know.

Senator CURTIS. Do you know whether or not the drivers of the original equipment were teamster union drivers?

Mr. DESMOND. I don't know, sir.

Senator CURTIS. That didn't seem to enter into it at all.

Mr. DESMOND. No, sir.

Senator CURTIS. But the equipment that was there in the afternoon or on the second occasion of your arrival apparently was Kohler Co. equipment and it was being manned by Kohler Co. executives, generally?

Mr. DESMOND. Well, supervisory personnel, except for the one truck driver, Minsel. He was not a supervisory personnel. The other two were.

Senator CURTIS. Then it was on the second occasion when somebody pulled one of your men out of a cab and possibly broke his glasses and assaulted him otherwise?

Mr. DESMOND. That is right, sir.

Senator CURTIS. Did you recognize the man who did it?

Mr. DESMOND. No, sir; I didn't.

Senator CURTIS. I thought you recognized the people involved at that point. You did not?

You did not take their names?

Mr. DESMOND. No, sir.

Senator CURTIS. You don't know who pulled him out of the cab?

Mr. DESMOND. No, sir.

Senator CURTIS. Therefore, you were in no position to have him arrested because you couldn't identify him?

Mr. DESMOND. No; we were too far away. I didn't recognize anybody at that particular point.

Senator CURTIS. You were so far away that you don't even know whether or not he got his glasses broken or not. Is that the situation?

Mr. DESMOND. If I remember correctly, he told me later that he got his glasses broken and his pen. I didn't see that.

Senator CURTIS. Then none of the people who committed the assault or who were involved in it were arrested?

Mr. DESMOND. To my knowledge they were not. I don't know, Senator, but to my knowledge, they were not.

Senator CURTIS. Thank you.

The CHAIRMAN. Are there any other questions?

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Would you describe the Root's Bowling Alley incident?

Mr. DESMOND. Yes. That was an incident, Senator, that took place in Sheboygan, Wis., in February 1956, if I am not mistaken. I might be mistaken as to the year. The Kohler Co. has a recreation department, and they have various bowling teams as a part of that department. We have a major league, we have a good fellowship league. Each year the Kohler Co. bowling teams belong to the city of Sheboygan tournament, and the company sends down its bowling teams each year to participate in that tournament.

At this particular time, the Kohler Co. teams had to go down to Root's Bowling Alley on the South Side of Sheboygan in order to participate in this tournament. The first night our teams went down, and I think that the entire bowling alley was set aside for the Kohler Co. teams, if I am not mistaken.

There might have been 1 or 2 other teams. There was something like 8 or 10 alleys. I am not sure of the exact number, but it is something of that number. On that first occasion, there were a very large number of strikers who went down there to the bowling alley, and were heckling and calling names to the Kohler Co. bowlers.

There was a very large uproar every time one of the bowlers got a split, and the general conduct, as I understand it from talking to the people that participated that night, was one of harassment.

It was so bad from all of the statements that I had gotten, as a matter of fact, that the next night I went down myself to the Root's Bowling Alley to see what was happening.

There, again, other teams of the Kohler Co. were bowling that night. I think there were 1 or 2 other teams that were participating in that tournament on that particular night.

Again, there were many strikers there. I recognized many of them myself. I went down there with Mr. Roy Ebben, who is in charge of our recreation department. That was under his jurisdiction. There was a general melee. On one occasion I was standing next to a striker and he said "If the lights go out, there will be a dead lawyer around here."

I was sitting behind one of the alleys, and I was hit behind the head by somebody. I don't know who it was. It was in my back. After a while, when the bowlers finished, there was such a large crowd in this small area in back of the bowling alleys, that the Kohler Co. bowlers could not get through. They were kicked, they were pushed: one particular boy, as I recall it, and this was not the night I was there but the next night, he told it to me, was hit by a striker.

(At this point, Senator Ervin withdrew from the hearing room.)

Mr. DESMOND. It was so bad, as a matter of fact, that I just had to get out of there because I was afraid of what was going to happen to myself and Mr. Ebben. In my opinion, it was a riot.

Senator GOLDWATER. Where were the police?

Mr. DESMOND. There were some policemen there in plain clothes. When I left the area, I think a couple of uniformed policemen came in.

Senator GOLDWATER. Did they make any effort to stop it?

Mr. DESMOND. They made no effort, Senator, to stop it, as I could see. The general melee and the thing that was going on kept up all night until the strikers had left—excuse me, until the nonstrikers had left.

Senator GOLDWATER. Did there seem to be any direction or control of this effort?

Mr. DESMOND. I could not determine any myself; no, sir.

Senator GOLDWATER. Did you see any international representatives there?

Mr. DESMOND. I didn't see any myself; no, sir.

Senator GOLDWATER. Why didn't you call the police on this?

Mr. DESMOND. Well, I had gone down to talk to Chief Heinke, Steen Heinke, and I had told him what happened the first night when this bowling incident took place.

He said that he was going to send police down there, and that he would take care of it. The reason why I didn't call the police was because I was in the area when it was happening. I saw no uniformed policemen there. I did not recognize any of the policemen who were in civilian clothes.

By the time I left, the Kohler Co. bowlers had completed their games and were leaving the area, leaving the bowling alley.

Senator GOLDWATER. Do you have any pictures or evidence that you want to put into the record?

Mr. DESMOND. I have some other pictures here, Senator, that were taken at the clay dock, which I think should go into evidence.

Senator GOLDWATER. Mr. Chairman, is it permissible for the witness to put pictures into the record at this point?

The CHAIRMAN. They may be introduced as exhibits 52–A, B, and C.

Senator GOLDWATER. Would you describe them?

The CHAIRMAN. How many do you have there that you wish to introduce?

Mr. DESMOND. About 12, Senator.

The CHAIRMAN. Exhibit 52.

(The documents referred to were marked "Exhibits Nos. 52" for reference and may be found in the files of the select committee.)

The CHAIRMAN. You may proceed.

Mr. DESMOND. This photograph was taken at the time that the station wagon that I testified to earlier was about to leave the dock area. It shows on there Robert Treuer and Art Bauer, who is local 833 vice president.

Here is another photograph taken inside the dock area, looking at the entrance to the dock, showing the picket line in front of it, and showing how it is blocked.

Next is a photograph of the Kohler Co. station wagon showing the shattered left door window.

Next is a photograph of the Buteyn Co. equipment. I don't know what it is, and I cannot point out the damage. Maybe somebody else can.

Next is another photograph of Buteyn Bros. grading and excavating equipment showing the rear of it or the side of it, and showing a battery.

Here are a group of photographs which show the large number of people in the area of the dock. It shows a large crane.

On one photograph I notice that Dan Rand is identified as right next to the cab of the equipment where the crane is on.

Another one shows the picket line taken from the inside of the dock area, and shows me walking up to the picket line with my back to the camera. I believe that is about all.

The CHAIRMAN. All right. They have been made exhibit No. 52 and lettered.

Are there further questions?

Senator McNamara.

Senator MCNAMARA. Would you describe this incident at the bowling alley as a bowling tournament or was this just the league night?

Mr. DESMOND. It was a bowling tournament in which many leagues in the city participated. The Kohler Co. League is always participating in those tournaments every year and this year we participated.

Senator MCNAMARA. Would you indicate what the date was, what time of year?

Mr. DESMOND. Well, it was February, I think, if I remember correctly.

Senator MCNAMARA. This was a local tournament, a Sheboygan tournament, or was it a statewide tournament?

Mr. DESMOND. It was a city tournament, the city of Sheboygan.

Senator MCNAMARA. It was other than a regular league bowling night, and it was part of the tournament?

Mr. DESMOND. Yes, sir.

Senator MCNAMARA. Thank you.

The CHAIRMAN. Is there anything further?

Senator CURTIS. How many people would you say were at the dock area that morning?

Mr. DESMOND. This is just a guess on my part, Senator, but at the time when we went down, and I saw Shields, Tom Shields, pulled from the cab, I would say that at that time there must have been close to 1,000, between 700 and 1,000 people there. It was a very large crowd.

Senator MCNAMARA. That is all, Mr. Chairman.

The CHAIRMAN. The committee will stand in recess until 10 o'clock tomorrow.

(Whereupon, at 4:30 p. m. the hearing was recessed to reconvene at 10 a. m. Wednesday, March 12, 1958. At this point, the following members of the committee were present: Senators McClellan, McNamara, Curtis, and Goldwater.)

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